



Missouri Department of Natural Resources

1 BEFORE THE GOVERNOR'S ADVISORY COMMITTEE
2 ON CHIP MILLS
3 STATE OF MISSOURI

4
5 MEETING AND PUBLIC HEARING

6 VOLUME II

7 April 10, 2000

8 Department of Natural Resources
9 DNR Conference Center
10 1738 Elm Street
11 Jefferson City, Missouri

12
13 BEFORE: Dr. Jerry Wade, Facilitator
14 Stephen Mahfood, Committee Co-chairperson
15 Jerry Conley, Committee Co-chairperson
16 John L. Saunders, Committee Member
17 Joseph Driskill, Committee Member
18 Mark S. Garnett, Committee Member
19 Jon D. Smith, Committee Member
20 David A. Day, Committee Member
21 Senator Doyle Childers, Committee Member
22 Emily R. Firebaugh, Committee Member
23 David E. Bedan, Committee Member
24 Rep. Bill Foster, Committee Member
25 Jay R. Law, Committee Member
 Senator Wayne Goode, Committee Member

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A P P E A R A N C E S

FOR THE STATE OF MISSOURI:

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1 P R O C E E D I N G S

2 MR. MAHFOOD: I'll make a couple of
3 announcements, just to keep the conversations down in
4 the audience because we've got a microphone system
5 that picks up a lot of the conversation, and it's hard
6 for the court reporter. I appreciate you might need
7 to talk, but I appreciate somebody stepping outside.
8 It would be easier, other than some easy comments to
9 yourself.

10 I think that we're going to have to cut
11 things off reasonably early, so I know we're all
12 highly motivated to get done as quickly as possible,
13 as we do have people that have to leave.

14 MR. BEDAN: This will help.

15 MR. MAHFOOD: I'm not going there. I'm not
16 going there at all.

17 So my recommendation is we get started right
18 now, Jerry, and let's get going.

19 DR. WADE: Okay. Where I see the morning
20 moving, and the more expeditiously we can move through
21 that the better we are, we're going to begin with
22 updating the State Forestry Law and that will be
23 followed by two recommendations related to revising
24 the State Forestry Act, and then we'll go to the
25 Forest Resources Council, and then we'll go to

1 Financing and Other. And when those are off the wall,
2 we will then just start by section with the items
3 that's left hanging on the wall in the back part.

4 MR. DRISKILL: Mr. Chairman?

5 MR. MAHFOOD: Please.

6 MR. DRISKILL: If I could, since we are
7 reviewing things, in deference to Senator Goode, I'll
8 wait until we get through this.

9 I want to bring up some further conversation
10 on Jay Law's issue that we adopted last night. I've
11 had some further thoughts about some of the language
12 in that particular issue that we did adopt, and I
13 would like to -- I'll probably move that we bring that
14 issue back before us again, though I know in the
15 interest of time we've got to get through a lot of
16 other issues.

17 So I just wanted to say for the record that
18 I will bring that one up again before I leave, or ask
19 to bring it up before I leave.

20 MR. BEDAN: Didn't we adopt rules dealing
21 with that?

22 DR. WADE: A motion to reconsider --

23 MR. DRISKILL: Is always in order.

24 DR. WADE: -- is always in order if it's by
25 a person that voted on the winning side.

1 MR. BEDAN: What was that rule that we
2 adopted?

3 DR. WADE: It's on the wall. No. 5.

4 MR. BEDAN: "Roll call votes are final."

5 MR. DRISKILL: My motion, then, will be to
6 change that particular rule, and I assume by majority
7 vote we can change that issue.

8 DR. WADE: Can we start with the rewritten,
9 "Update State Forestry Law to include new incentives
10 intended to increase participation in the program and
11 ensure long-term forest resources sustainability."
12 Can you focus your discussion on that recommendation?

13 MS. ALICE GELLER: This is Brian's
14 reworded --

15 DR. WADE: Yeah. That's Brian's rewording
16 of it that replaces No. (A)11.

17 Mark?

18 MR. GARNETT: Does that mean long-term
19 resources -- what does -- does that mean by tract of
20 land or tract of lands or -- what does that consist
21 of? I don't see Brian out there. I would like to
22 know what we're talking about here. A landowner could
23 want to cut more than what's sustainable at any one
24 given time.

25 SENATOR GOODE: I would think the -- the

1 last part, "ensure long-term forest resource
2 sustainability" is more of a global view, not of every
3 landowner. I see that we want to clarify that one way
4 or the other, but I think that that's what is meant by
5 "sustainability."

6 MS. FIREBAUGH: The 30,000 above for 20
7 years?

8 SENATOR GOODE: Yeah.

9 SENATOR CHILDERS: You know, one of the
10 thoughts that I -- one thought that I had written down
11 here dealing with that same issue is to also say that
12 BMPs shall be utilized as a general requirement for
13 any forest landowner receiving any assistance under
14 such program if we're dealing with incentives, and
15 making that a choice. If they don't want to do it,
16 then they don't receive assistance. If they want to
17 do it, then they receive assistance.

18 DR. WADE: Okay.

19 MR. SMITH: I agree with that.

20 DR. WADE: The, again -- I -- the general
21 consensus, I think, is that that be added to that. Is
22 there any opposition to adding it?

23 (No response.)

24 DR. WADE: Okay. Restate that again.

25 SENATOR CHILDERS: Use this (indicated).

1 DR. WADE: While she's adding that wording,
2 is there any further discussion on this one?

3 Yes, Emily.

4 MS. FIREBAUGH: When you're talking
5 long-term forest resource sustainability, I agree with
6 Senator Goode and Mark. We're going to have to decide
7 what we are working for on that.

8 "Long-term sustainability" could mean that
9 I'm going to go and do a clear-cut assuming that in
10 30 to 40 years I have a pine regeneration or a
11 hardwood mix that's going to come back on its own. I
12 mean, we are looking at global. We are looking at
13 long-term there.

14 If we're looking at the new FCL regulations
15 that we were talking about last night where we're
16 going to cut it from a 20-year program to a 10-year
17 program, is that the long-term that we're talking
18 about? We need to clarify that. I agree with you,
19 Mark.

20 MR. SMITH: Well, if we add "to ensure the
21 State's long-term sustainability," in some way to put
22 the word "State" in there rather than to be
23 sustainable for each plot of land. I don't think it
24 is realistic to think that each landowner would have a
25 sustainable -- there are going to be some small

1 landowners that it may not be applicable.

2 SENATOR GOODE: Ensure long-term forest
3 resource sustainability for Missouri. Did that do it?

4 DR. WADE: Would the Committee like to add
5 that? Does that address your concerns?

6 MR. DAY: I'm sorry. Could you restate
7 that, Senator?

8 SENATOR GOODE: Just add on after
9 sustainability "for Missouri" so it's, you know, the
10 State we're talking about as opposed to an individual
11 piece.

12 MS. FIREBAUGH: Okay. Okay.

13 DR. WADE: Any further discussion on this
14 recommendation?

15 (No response.)

16 DR. WADE: Chairs?

17 MR. MAHFOOD: Let's call the roll.

18 DR. WADE: "Update State Forestry Law to
19 include new incentives intended to increase
20 participation in the program and ensure long-term
21 forest resource sustainability for Missouri. BMPs
22 shall be utilized as a general requirement for any
23 forest landowner receiving any assistance under such
24 program.

25 MS. WEISS: Bedan?

1 MR. BEDAN: Yes.
2 MS. WEISS: Childers?
3 SENATOR CHILDERS: Yes.
4 MS. WEISS: Conley?
5 MR. CONLEY: Yes.
6 MS. WEISS: Day?
7 MR. DAY: Yes.
8 MS. WEISS: Driskill?
9 MR. DRISKILL: Yes.
10 MS. WEISS: Firebaugh?
11 MS. FIREBAUGH: Yes.
12 MS. WEISS: Foster?
13 REPRESENTATIVE FOSTER: Yes.
14 MS. WEISS: Garnett?
15 MS. GARNETT: Yes.
16 MS. WEISS: Goode?
17 SENATOR GOODE: Yes.
18 MS. WEISS: Law?
19 (No response.)
20 MS. WEISS: Mahfood?
21 MR. MAHFOOD: Yes.
22 MS. WEISS: Saunders?
23 MR. SAUNDERS: Yes.
24 MS. WEISS: Smith?
25 MR. SMITH: Yes.

1 MS. WEISS: Unanimous.

2 DR. WADE: The next item, there are now two
3 items that address financial questions within that.
4 No. 4 on there, "Recommend a revision of the State
5 Forestry Act to provide for a minimum of \$10 per acre
6 annual payment as an incentive for those who put their
7 land in forest crop and subscribe to BMPs in allowing
8 access to their lands by MDC."

9 Could we have discussion on that
10 recommendation, please?

11 MR. CONLEY: Okay. It seems really very
12 specific. I mean, in some ways it's almost like we
13 would be better off to use what we just passed and to
14 generally talk about the fact that something needs to
15 be updated, the incentives need to be in there, and
16 all of that. But these things are -- we're going to
17 get into several other ones that are so specific that
18 I don't know whether the Committee should really get
19 into that great of detail, because I don't know
20 whether \$10 is right or \$8 or \$12 or two-and-a-half.

21 DR. WADE: John?

22 MR. SMITH: I agree entirely, and I'm not
23 sure that what we've just passed does not leave enough
24 room for that to be incorporated into that when they
25 get down to writing the rules and the specifics in the

1 program.

2 DR. WADE: Joe?

3 MR. DRISKILL: Well, not to be redundant, if

4 we're going to adopt this one, it needs to be

5 rewritten in such a way as to concentrate on

6 increasing participation rather than on the minimum

7 amounts of payments or what the exact mechanism is of

8 increasing participation.

9 DR. WADE: My sense -- I do not sense a

10 Committee interest in rewriting it.

11 John?

12 MR. SMITH: I would suggest we just vote it

13 down and move on to the next one.

14 DR. WADE: Chair?

15 MR. CONLEY: Okay. Let's go for a vote.

16 MS. WEISS: Childers?

17 SENATOR CHILDERS: I guess a "no" is the

18 right vote on that one.

19 MS. WEISS: Conley?

20 MR. CONLEY: No.

21 MS. WEISS: Day?

22 MR. DAY: No.

23 MS. WEISS: Driskill?

24 MR. DRISKILL: No.

25 MS. WEISS: Firebaugh?

1 MS. FIREBAUGH: No.
2 MS. WEISS: Foster?
3 REPRESENTATIVE FOSTER: No.
4 MS. WEISS: Garnett?
5 MR. GARNETT: No.
6 MS. WEISS: Goode?
7 SENATOR GOODE: No.
8 MS. WEISS: Law?
9 (No response.)
10 MS. WEISS: Mahfood?
11 MR. MAHFOOD: No.
12 MS. WEISS: Saunders?
13 MR. SAUNDERS: No.
14 MS. WEISS: Smith?
15 MR. SMITH: No.
16 MS. WEISS: Bedan?
17 MR. BEDAN: No.
18 DR. WADE: "Amend the State Forestry Law to
19 require all timberland owners to pay a 6 percent
20 timber severance fee based on gross income from the
21 sale of timber products and then provide income tax
22 credits if the following criteria are met: The
23 timberland owner has secured the assistance of a
24 licensed forester or State forester to develop a plan
25 for the sustainability of forest resources; No. 2, a

1 timber sale contract requiring best management
2 practice is employed to protect the water and soil
3 resources of the owners and joining neighbors'
4 properties; No. 3, licensed loggers are used resulting
5 in best management practices being carried out as a
6 part of harvesting operations."

7 Discussion, please.

8 Mark?

9 MR. GARNETT: I think that (E) there, and
10 then (E), (F) and (G) under Financing ought to be part
11 of this other discussion on the new State Forestry
12 Law. I don't think we need to go into all of the
13 detail regarding all of those things, because what --
14 what we say won't be buying anything. I don't see the
15 need.

16 SENATOR CHILDERS: The only thing I see, the
17 6 percent timber severance is the key issue on this
18 one, and I think that's the only difference than
19 anything else that we could vote on. Otherwise, we're
20 dealing with it in a lot of other sections.

21 DR. WADE: David?

22 MR. BEDAN: It seems to me that this
23 introduces a new idea that we haven't dealt with over
24 here, and it's really closer to these ones under
25 "Financing" and perhaps it out to be moved over here

1 and then all of these discussed together.

2 DR. WADE: If you would like, we can hold
3 the discussion until we get to Financing, or --

4 SENATOR GOODE: I don't think it's the same
5 issue as those other -- those other items. I think
6 it's a separate issue.

7 DR. WADE: My suggestion is, let's go ahead
8 and deal with the issue now.

9 John?

10 MR. SMITH: Well, I -- I'd spoken earlier in
11 the -- earlier in the year about the possibility of a
12 need for this, but at the current time I think we're
13 moving -- especially with Law's proposal on BMPs and
14 other things that this may not be necessary now that
15 we are enacting some other -- some other protections.
16 And so I don't know that I'm in favor of -- of the --
17 I think I would be opposed to a severance tax at this
18 time.

19 MS. FIREBAUGH: Correct me if I'm wrong on
20 this, but so far if I'm in the Forest Cropland Program
21 I have to comply with all of those. The only
22 difference is -- "provide an income tax credit" is the
23 only thing that's different; isn't that correct? I
24 mean, I have to have a licensed forester. I pay a
25 6 percent yield tax. I have to do BMPs, et cetera,

1 et cetera, so the income tax credit is the only
2 difference from the law that it is now.

3 I truly believe we need to go back to the
4 Conservation draft that we studied at the last
5 meeting. In that it says we need to rework the Forest
6 Cropland Program, and I think we should empower the
7 Department of Conservation to go ahead with that and
8 not nit-pick all of these issues.

9 DR. WADE: Further discussion?
10 Chair?

11 MR. CONLEY: Well, one final comment. It's
12 interesting, when we presented this to the Commission,
13 our Commission, they were actually -- it surprised me
14 a little bit, but they were actually in favor of this.
15 But they sort of had a twist where if you've
16 already -- if you're already practicing best
17 management practices, their concept was that you
18 didn't collect the money. There is no reason at that
19 stage to collect it and then return it later on.

20 It was just on those people that weren't
21 practicing it that they knew in advance if they didn't
22 get it done before they showed up, then they would
23 have to pay the 6 percent severance tax. So it's a
24 little bit different twist than this, but I don't know
25 that they would -- would favor it unless it had that

1 kind of a twist in it, so . . .

2 MR. MAHFOOD: You know, after listening to
3 other speakers earlier in this process and looking
4 into this, I -- based on what the Commission has done,
5 conceptually, I like it if there is some way of not
6 having anything change hands and the ultimate goal is
7 to get things done right.

8 I'm not sure that all of the criteria under
9 here are exactly -- I'm wrestling with the fact that I
10 would like a severance tax as an incentive to do the
11 right thing, and if it was something that didn't have
12 to change -- money did not have to change hands, I
13 mean, if that didn't happen, that's fine, because
14 we're at -- we're trying to get something to happen
15 that is good for the environment, yet also manages our
16 forest resources. And I'm not sure that that -- I
17 mean, I'm not sure that that particular choice is so
18 descriptive -- I'm not sure that that's the right one
19 that I would like.

20 DR. WADE: David?

21 MR. BEDAN: I agree with Steve. I'd like to
22 keep the concept, somehow, whether or not the way it's
23 detailed there, that the administration is the right
24 way to do it. Maybe the Conservation Commission is
25 onto something here.

1 But I don't think that what we just passed
2 should be conceived as a substitute for this. I still
3 fear that revising even a better Forest Cropland Act
4 is still only going to address a small percentage of
5 the problem. This would address a much larger
6 percent. So I don't see the two as addressing the
7 same thing.

8 SENATOR GOODE: Jerry?

9 DR. WADE: Yes.

10 SENATOR GOODE: I just heard Friday about
11 the position that the Conservation Commission took,
12 and I think -- or what I would like to do is go on
13 record supporting the position they took either by
14 duplicating that or referencing what they did, because
15 I think that made sense to use it as, more or less, a
16 backup if it's -- use it to try to get the right thing
17 done with a minimum amount of intrusion as possible.

18 SENATOR CHILDERS: I guess the point I would
19 make is, with the severance tax, we're probably going
20 to have to go to a vote of the people statewide to
21 even do it in the first place, because that is a new
22 tax. And I think under Hancock we would be required
23 to do that.

24 So I -- my thought is that if we drop that
25 out -- I still think that by using incentives that

1 we're going to put in place we're probably a lot
2 better off than we are by putting something punitive
3 on that will probably discourage people to grow
4 timber. I would like to see something to cause them
5 to grow it rather than something punitive that causes
6 people to say, I don't want timber on my place.

7 MS. FIREBAUGH: If you use the word "yield
8 tax," that -- that is already in place, because I pay
9 a 6 percent yield tax.

10 SENATOR CHILDERS: I believe you'll find
11 under Hancock it will still be a new tax. You would
12 have to go to -- we can ask some legal thoughts on it.

13 MS. FIREBAUGH: But when you saw "all -- all
14 timberland owners," mine is voluntary under the Forest
15 Cropland Act.

16 SENATOR GOODE: I doubt -- I think the
17 threshold is \$50 million, and I don't see a tax like
18 that bringing in anywhere near \$50 million, so I don't
19 think you got a Hancock problem.

20 SENATOR CHILDERS: Well, we turn around and
21 just give it back to them, unless we are going way
22 under the Hancock lid.

23 SENATOR GOODE: Well, you might have a lid,
24 but as far as implementing it, it wouldn't require it.
25 You could have potential lid problems, but I would

1 assume from what I heard about what the Conservation
2 Commission did, it would probably end up yielding very
3 little other than good practices.

4 DR. WADE: Let me make a recommendation. As
5 I listen to the discussion, it's clear that there is
6 not support for (D). What I'm going to suggest, if
7 this is okay with the Committee, that we go ahead and
8 have the roll call vote on (E), and then go directly
9 to (E) under Financing and rewrite that to reflect the
10 support for what Senator Goode said and see if there
11 is a Committee -- to do the rewriting on that one and
12 see if there is support for that.

13 MR. SMITH: Well, that may be fine to do. I
14 would be much more interested in (E), either one of
15 the (Es) if we knew more about what Conservation
16 was -- how that was going to work. I mean, that puts
17 a little bit different twist to it if no money changes
18 hands, unless you are --

19 DR. WADE: Well, what I thought was, by
20 doing the rewrite on the existing (E) which is very
21 short and simple, it would allow that discussion an
22 opportunity to take place.

23 SENATOR GOODE: Just set the first (E) aside
24 and deal with that later. Let's see if we can get it
25 straightened out under the second (E).

1 DR. WADE: Okay. Let's take the second (E)
2 and see if we can rewrite that under the sentiment you
3 voiced.

4 SENATOR GOODE: Jerry, can you speak more to
5 what the Commission did, or do you have a copy of it?

6 MR. CONLEY: Well, I don't have a copy of it
7 here.

8 Generally, what -- it's sort of like I said.
9 It's that they -- the way it's worded there is not
10 quite right. In a sense, it's pretty good. You're
11 enacting a severance tax and you're -- you're -- but
12 you're not collecting it if the person already has a
13 forest management plan and uses best management
14 practices.

15 They talk a bit about who would collect it,
16 like we have here before, and it would probably be the
17 person you are selling to would probably be required
18 to collect it, although that was a little up in the
19 air.

20 They also talked about the money that --
21 that is collected that -- that doesn't get returned
22 would go into some kind of an educational -- landowner
23 educational program. There would be no way that
24 anybody like the Department or anybody else would
25 benefit from that money directly, you know, staying in

1 there.

2 So if you sold timber to me as the chip mill
3 and I -- and it came off land that didn't have best
4 management practices and wasn't under sustainable
5 forest management, then the money collected would go
6 into some kind of a pot to be used for landowner
7 education on forest management.

8 That's about as far as they got on the
9 discussion because they were going through all of
10 these different items, too, and didn't have too much
11 time to get into great detail.

12 SENATOR CHILDERS: If I understand it right
13 now, are we saying that the Commission is now taking
14 the position that timber is also the same as wildlife,
15 that they have control over timber on our lands the
16 same as they would on wildlife?

17 MR. CONLEY: No, they didn't -- you know, it
18 wouldn't necessarily even have to -- the dollars
19 involved here wouldn't even have to come into -- into
20 our Department. I mean, it could come into some other
21 special group set up to do that.

22 SENATOR CHILDERS: But do I understand,
23 though, that they are saying they have control over
24 it, because they're saying that you can't sell it or
25 do anything without you have best management

1 practices? You're requiring an expense for that
2 landowner to do something, so it's almost the same as
3 saying you can only do things within the rules --
4 within the rules of the Conservation Department.

5 It looks like we're extending the rules of
6 the -- the oversight of the Conservation Department
7 into our timber as well as wildlife now.

8 MR. LAW: Well, you know, I have -- I have
9 problems with that. I hope that when we get to
10 talking about revising the Act, or any suggestions we
11 might have, is that we would make it so desirable by
12 reducing some of the disincentives that are in it that
13 we would have more people go into it and would
14 voluntary accept them as part of it.

15 I think -- I don't like the idea of a
16 severance tax being -- I see it as a penalty in some
17 way. I think we have to be careful here in Missouri.
18 We have the people paying one-eighth of 1 percent
19 every day in taxes to support the Conservation
20 Department. I recently heard from the State of
21 Illinois that has a severance tax, they use that money
22 in timber stand improvement and other types of things
23 which are already getting supported by State and
24 Federal funds in Missouri.

25 I -- I just think it's really a tough thing.

1 It's a -- it gets people's attention, but I think it's
2 the wrong kind of attention, and I think they have a
3 question about the other taxes that they pay
4 related -- we know that that all doesn't go to timber
5 or anything like that, the one-eighth. It is a
6 sizable tax.

7 DR. WADE: Let me propose the specific
8 wording that lets the discussion focus directly on a
9 recommendation rather -- if you would, please, and I
10 think this will capture what I hear being said.

11 Recommend the development of a program which
12 would require a severance tax if BMPs and sustainable
13 forestry management practices are not being used. Any
14 money collected would support landowner education
15 programs.

16 Is that a fair capturing of what the focus
17 of discussion is so that you can focus on a specific
18 recommendation?

19 (No response.)

20 DR. WADE: Hearing no yesses or noes, I'll
21 ask Alice to --

22 MR. MAHFOOD: I'm not sure that's it.

23 DR. WADE: I think to get there we need
24 something to work from. While she's writing that
25 up -- David?

1 MR. BEDAN: I understand some of the issues
2 that Jay brought up are issues that need to be
3 wrestled with, but I kind of like Wayne's idea that
4 we -- we urge the Conservation Commission to look at
5 this, because those are issues that they will have to
6 wrestle with. I mean, in fact, there is already a
7 one cent sales tax, this is something they will have
8 to wrestle with, the affect on the Conservation
9 Commission. So I would hate for us to undercut any
10 potential action they might take and say, in general,
11 we like the idea and we hope you can work it out in a
12 way that it is the least administrative burden and
13 fits with your other goals and issues.

14 MR. DAY: It's -- this just makes the
15 landowner jump through more hoops to deal in timber,
16 and the more hoops that you make them jump through,
17 the more incentive you're going to give them to put
18 that ground in fescue in our part of the world. And I
19 think you need to be doing things to encourage people
20 to grow more timber, not to get them out of the timber
21 business, and that's what I see this doing.

22 MR. LAW: I think there is also a problem,
23 not disputing anybody's honesty, but how -- you know,
24 how are we ever going to know how much they really get
25 for timber, and if it isn't paid for -- if there isn't

1 a slip that John has to turn in and all of that, it's
2 another administrative burden put on industry in going
3 after it this way.

4 I'm more for incentives to get people to do
5 the right thing than get them with a severance tax in
6 this state.

7 DR. WADE: Mark?

8 MR. GARNETT: There will be no way to go to
9 XYZ logging company or ABC small sawmill in Otterville
10 because the State won't be able to afford to do that
11 with the money it would collect. It wouldn't be good
12 business. But there would be a way to come to Smith
13 Flooring or Garnett Wood and Logging because the
14 volume involved is -- I agree -- I agree with Jay. If
15 it's enforceable, it's probably not enforceable to
16 the -- in Missouri, and enforcement probably would be
17 selective.

18 DR. WADE: There has been also the
19 suggestion that it simply be a recommendation to
20 support MDC. Any further interest in doing that?

21 SENATOR GOODE: That's more on the line of
22 what I think we ought to do, more than pursuing this.

23 MS. FIREBAUGH: I'm going to bring that back
24 to a -- I'm going to bring that to the floor because
25 that's what my first statement was. I believe the

1 draft by MDC recognizes they needed to work on the FCL
2 Program and come back to the landowners with a more
3 workable incentive for keeping sustainable forestry
4 going into Missouri.

5 I have confidence in MDC and DNR, and let's
6 let that committee that -- or that Department work on
7 it and have trust in them. The voters of Missouri
8 have trust in them by passing the tax. Let's let them
9 work on it.

10 DR. WADE: Alice has done another rewrite.
11 Let me try this one out.

12 "Support continued discussion/implementation
13 of an incentive program for forest landowners to
14 utilize BMPs by the Missouri Conservation Commission."

15 Is that --

16 SENATOR GOODE: Well, I think to have any
17 meaning as far as supporting what they did, I think it
18 should have some reference to a yield tax along with
19 the incentives. But I think the language there is
20 good, but I think it should also reference a yield tax
21 as well as incentive. Otherwise, you're missing that
22 important item or element of supporting what they are
23 talking about. If you had that in there, I think
24 maybe that's a good compromise.

25 MS. ALICE GELLER: Incentive program which

1 includes consideration of a yield tax, or something
2 along those lines?

3 SENATOR GOODE: Incentives and yield tax --

4 MS. FIREBAUGH: That's already in the
5 program, and I have a motion on the floor.

6 SENATOR CHILDERS: Could we just say
7 "including" and then we can -- there is a half a dozen
8 different things listed here, and then we could vote
9 on those, the ones that we want in it, just say
10 "including," and then whatever things we vote to put
11 in there. That would -- I don't know, but I think
12 there is a lot of agreement on the basic statement.
13 The disagreement would be on what the components of
14 that we can agree with.

15 MS. FIREBAUGH: I have a motion on the
16 floor.

17 SENATOR CHILDERS: It was never seconded.

18 MS. FIREBAUGH: He didn't open it up for
19 more discussion.

20 SENATOR GOODE: Well, let's get this one up
21 and then put yours up there and deal with it.

22 MR. DAY: What are we discussing?

23 DR. WADE: That recommendation.

24 SENATOR GOODE: I think we can pass over
25 voting on (E)1 and (E)2, but I would like to see the

1 Committee, Commission, vote on a proposition such as
2 you put up there but include -- including the yield
3 tax, if that's the proper term, or severance tax, if
4 that's the proper term, but to vote on that as a --
5 because I think that's -- I think that's an important
6 question, whether or not the Commission supports
7 supporting the Conservation Commission pursuing this
8 as an issue.

9 MR. LAW: Well, Senator Childers brought up
10 the opportunity to vote on this first and then go down
11 and list the different things which would be a yield
12 tax underneath it. In other words, this is the,
13 again, umbrella, and then have what we would like to
14 see in it.

15 SENATOR GOODE: I think (F) under it ought
16 to be a separate issue.

17 DR. WADE: Yes, I would --

18 SENATOR GOODE: I think this is a clear
19 issue that we should vote on, and the (A,) (B) and
20 (C's) under (F) is a different issue.

21 SENATOR CHILDERS: Going back again, if we
22 don't do a yield tax, I think that we can still
23 support the continued discussion/implementation of
24 incentive programs for forest landowners who utilize
25 BMPs. I think we can still -- but then it becomes --

1 all of these (F) and (G), (D), and (A) over here are
2 all things that would be included under that.

3 So I think we could vote on each one of
4 those as a subcomponent, yield tax being one. Doing
5 it that way it allows us to have a statement, and then
6 the components would fit under that. That's the point
7 I was trying to make on it.

8 SENATOR GOODE: Well, I'd ask to define the
9 question, because I think it's a separate issue
10 whether or not the Commission takes a position on the
11 Commission pursuing some sort of a yield tax approach.
12 And then the other -- the other parts are separate.

13 SENATOR CHILDERS: That's my point. That's
14 what I was trying to say, the same thing. You said it
15 better, but that's what I was talking about.

16 SENATOR GOODE: I'd like to see a separate
17 vote on basically what's written up there. And,
18 certainly, Emily can cover substitute language if she
19 wants to do that, but I would like to see a basic vote
20 on that, and then we'll get into the incentive issues.

21 MS. ALICE GELLER: So I'm here to take this
22 part out, and this will be part of the next
23 discussion, this -- these three words (indicated)?

24 SENATOR GOODE: What --

25 MS. ALICE GELLER: I'm hearing leave --

1 SENATOR GOODE: No. What I think we should
2 vote on is that statement that's up there pretty much
3 as it is, or even deleting "incentive program" out of
4 there and put -- I think we should vote on the yield
5 tax issue, encouraging the Department to pursue that
6 as a separate question, and let's see how it goes.
7 You know, it would probably pass or fail six/seven or
8 seven/six, whatever, based on the way we've been
9 voting, but I think we should vote on it.

10 DR. WADE: Emily?

11 MS. FIREBAUGH: You're going to be hearing
12 me mention this several times throughout the day, the
13 Wal-Marting of the timberland industry.

14 Ten years ago large corporations came in and
15 started buying up mom and pop weekly newspapers. And
16 at that time the Legislature came in for the first
17 time and proposed taxing newsprint, right at the time
18 when we were getting hit big by corporations
19 controlling the newsprint industry.

20 Now, what I'm hearing is, as we're getting
21 into the Wal-Marting of the timber industry, the
22 Legislature, with MDC being empowered, is going to
23 come in and tax us with a severance tax. You know, be
24 careful of who you pick on on this because you're
25 going to run people like me out of the market again as

1 I was run out of the newspaper business. And as small
2 farmers are being run out of business by larger
3 ones -- I mean, we don't have mom and pop chicken
4 farmers anymore. We have large farming chicken
5 ranches.

6 So be careful who you tax or who you sever
7 or who you yield from because it's just another time
8 that the Legislature is coming at us with a tax that's
9 going to be at a time when we're being hit already by
10 an industry.

11 SENATOR GOODE: The newsprint issue was
12 raised by a lawsuit. Let me clarify.

13 MR. LAW: Well, last night we did the thing
14 on BMPs and we went on the record saying we support
15 BMPs and it's on a voluntary basis except now we're
16 saying another way to get at it is to put a yield tax
17 so that you will do it.

18 I just think there is some mixed messages
19 here, and I see any yield tax in Missouri as being a
20 disincentive.

21 MR. DAY: I think most of us know what our
22 opinions are on the severance taxes or yield taxes,
23 and I would like to see us go ahead and vote on this
24 and move on.

25 SENATOR CHILDERS: I was going to ask you to

1 divide the question just to say that we vote on yield
2 taxes. I'm real supportive of the rest of the
3 statement, but I'd like for us -- I don't want to
4 throw out the rest of the statement. If we vote on it
5 and throw it out, then we have to come back. That's
6 why I would like to have the vote on the yield tax as
7 such, which is what I understood Wayne to say earlier,
8 but not throw out the rest of the language.

9 SENATOR GOODE: Let me suggest other
10 language, and then you could take the yield tax out of
11 this and vote on it without the yield tax perhaps.

12 But what I would like us to do is support
13 the Conservation Commission -- support their effort to
14 pursue -- I guess we'd have to look at what they have,
15 but, basically -- well, I'm not coming up with the
16 right wordage.

17 DR. WADE: Jay?

18 MR. LAW: Call for the question.

19 SENATOR GOODE: Go ahead and vote on this,
20 if you want to, because I'm not coming up with
21 anything that's probably any more clear.

22 MR. LAW: Could we vote on (E) up there?

23 DR. WADE: We've got a request of a division
24 of the issue that we vote on that statement except the
25 including yield tax, and then have a separate vote on

1 if the including yield tax is to be included in it.

2 MS. FIREBAUGH: I thought the yield tax is

3 what we were voting on.

4 DR. WADE: The --

5 SENATOR CHILDERS: My thought is, just so we

6 keep the other, so we end up with that other language

7 there. If we don't, we may or may not have the yield

8 tax in there. That would depend on the vote. But I

9 would like to see a vote on other language without the

10 yield tax, too, so we have -- we can keep that, that

11 even if the yield tax goes down, that we still have

12 the other language. That was the point I was trying

13 to make.

14 SENATOR GOODE: Let me raise a question

15 under the other language. What are we talking about

16 with incentive programs?

17 SENATOR CHILDERS: That could be any one of

18 those things that we're --

19 SENATOR GOODE: Well, if what you're talking

20 about is paying people with tax credits, that's not

21 the way we use tax credits in Missouri, and we ought

22 not -- I got into this last night. We ought not to

23 start that, because you start it here, people are

24 going to want to use tax credits for everything.

25 You know, there was a proposal last year to

1 pay dentists with tax credits. Do you recall that? I
2 mean, these get into pretty dumb ideas. So if
3 you're -- if "incentives" there mean tax credits, I
4 don't think we want to get off into that.

5 DR. WADE: We have two recommendations. One
6 is to vote as is; one is to divide it. I'm going to
7 turn it over to the Chairs and let them define the
8 procedure and go to a roll call.

9 MR. MAHFOOD: I think we've got two -- we've
10 got two issues here that it's fairly clear -- you
11 can -- you can wrestle over "yield tax" versus the
12 wording of a "severance tax."

13 When you're voting on (E), if (E) up
14 above -- we tried to get this down -- if we try to
15 meld one of these into a support for the Commission in
16 their pursuit of a yield/severance tax, that's one
17 vote. And then the other one is, support the
18 continued discussion/implementation of incentive
19 programs for forest landowners.

20 To me those are the two issues to vote on.
21 I -- like the Senator, I didn't have the right
22 wording.

23 Please.

24 SENATOR GOODE: Well, if incentive programs
25 are more or less the existing incentive programs, I

1 have no problem with that. I'm all for it. If the
2 incentive programs mean tax credits like we got up
3 there, I'm absolutely against it. So I don't know
4 what we mean by incentives. Do we mean existing
5 incentives? Great. But if it means tax credits, I
6 wouldn't go there.

7 MR. MAHFOOD: Go ahead, Joe.

8 MR. DRISKILL: Well, it seems to me that
9 we're arguing around a point here. We've already
10 adopted up here our notion that we ought to include
11 new incentives designed to increase participation in
12 best management practices. We've already done that.
13 The only difference up here is, in fact, yield taxes
14 or severance taxes, and we ought to just vote on that
15 issue, I think.

16 MS. FIREBAUGH: Exactly.

17 MR. DRISKILL: We ought to vote on that
18 issue and either go up or down on that issue, and move
19 along. I think we've already done this.

20 SENATOR GOODE: That's why -- you know,
21 basically, what I was trying to do is frame something
22 that says, we support the Commission, their further
23 discussion of the yield tax issue, and it seems to me
24 that's what we ought to vote on, yes or no.

25 MR. DAY: Agreed.

1 MR. MAHFOOD: Is that language clear enough
2 that we're talking about voting up or down on whether
3 we support the Commission in its pursuit of some
4 method or process on a yield/severance tax?

5 MS. FIREBAUGH: No.

6 MR. LAW: Can't we just take the Commission
7 out of this? I don't -- they didn't bring in
8 something and lay it down for us and ask us to do
9 something on it. I think we could provide direction
10 on what we would like to see if they revise the Act,
11 but it's up to them if they want to work on
12 redeveloping it.

13 I think the only question we're really
14 concerned about right here is an incentive thing. And
15 I don't want to vote against not supporting the
16 Commission, but I do want to vote on the severance
17 yield tax.

18 MR. MAHFOOD: Okay. What's the feeling of
19 the rest of the members?

20 Emily?

21 MS. FIREBAUGH: I make a motion that the
22 Committee vote on presenting in our recommendation
23 that there not be a yield or a severance tax on
24 landowners when they harvest their timber crop.
25 That's as simple as you can get.

1 MR. MAHFOOD: Do I have a second?

2 SENATOR CHILDERS: I'll second it.

3 MR. MAHFOOD: It's been moved and seconded.

4 MR. DAY: Can that be stated again before we

5 vote?

6 MR. MAHFOOD: Emily, do you want to restate

7 it?

8 MS. FIREBAUGH: My motion is that there not

9 be a yield or a severance tax on private landowners

10 when they harvest their standing timber crop.

11 SENATOR CHILDERS: Do you want to say

12 "standing" or do you want to say "timber crop"?

13 MS. FIREBAUGH: I'm going to leave it at

14 "standing" because you really don't --

15 MR. LAW: Discussion, I think the Missouri

16 Forest Crop Law does have a yield tax in it.

17 MS. FIREBAUGH: And I'd like to get rid of

18 it.

19 MR. LAW: Well, I don't know that that gets

20 rid of it, but --

21 MR. MAHFOOD: Without -- again,

22 clarification --

23 John, go ahead.

24 MR. SMITH: Could we go back to voting on

25 (E) under Finance and just vote that up or down?

1 MR. MAHFOOD: The one at the top?
2 MR. LAW: Yes.
3 MR. MAHFOOD: "Enact a severance tax?"
4 MR. SMITH: Yes.
5 MR. MAHFOOD: The thing is, we have a motion
6 on the floor and it's been seconded.
7 MS. FIREBAUGH: It does the same thing,
8 John.
9 MR. SMITH: Well, I'm not sure it does.
10 MR. MAHFOOD: I'm not sure it's the same
11 either, but we do have that, unless someone wants to
12 reconsider the motion.
13 SENATOR CHILDERS: I withdraw my second.
14 MR. MAHFOOD: What?
15 SENATOR CHILDERS: I'll withdraw my second.
16 MR. MAHFOOD: Okay. The second has been
17 withdrawn.
18 MR. SMITH: I make a motion that we call the
19 question on (e.)
20 MR. MAHFOOD: Do I have a second to that
21 motion?
22 MR. LAW: Second.
23 MR. MAHFOOD: All right. That's been
24 seconded.
25 Discussion?

1 MR. GARNETT: Okay. John, will you include
2 the other (E) as part of your motion?
3 MR. SMITH: Oh, the (E) over here
4 (indicated)?
5 I think it's the same thing.
6 DR. WADE: Those were two separate issues,
7 and the decision at the last meeting was a roll call
8 vote on every recommendation.
9 MR. SMITH: Let's vote on (E) under Finance.
10 MR. MAHFOOD: We're going to vote on (E).
11 I'm going to call for the roll right now.
12 Llona?
13 MS. WEISS: I want to make sure I know what
14 we're voting on.
15 DR. WADE: "Enact a severance tax to be
16 assessed on timber harvest to be returned as incentive
17 for using sustainable forest management and BMPs."
18 MS. WEISS: Conley?
19 MR. CONLEY: Yes.
20 MS. WEISS: Day?
21 MR. DAY: No.
22 MS. WEISS: Driskill?
23 MR. DRISKILL: No.
24 MS. WEISS: Firebaugh?
25 MS. FIREBAUGH: No.

1 MS. WEISS: Foster?
2 REPRESENTATIVE FOSTER: No.
3 MS. WEISS: Garnett?
4 MR. GARNETT: No.
5 MS. WEISS: Goode?
6 SENATOR GOODE: Yes.
7 MS. WEISS: Law?
8 MR. LAW: No.
9 MS. WEISS: Mahfood?
10 MR. MAHFOOD: Yes.
11 MS. WEISS: Saunders?
12 MR. SAUNDERS: Yes.
13 MS. WEISS: Smith?
14 MR. SMITH: No.
15 MS. WEISS: Bedan?
16 MR. SMITH: Yes.
17 MS. WEISS: Childers?
18 SENATOR CHILDERS: No.
19 MS. WEISS: Five yes; eight no.
20 DR. WADE: Is the other (E) -- are we ready
21 to vote on the other (E).
22 Okay, Chair.
23 MR. MAHFOOD: Which --
24 DR. WADE: "Amend the State Forestry Law to
25 require all timberland owners to pay a 6 percent

1 timber severance fee based on gross income from the
2 sale of timber protects and then provide income tax
3 credits with the following criteria," one, two and
4 three.

5 MR. LAW: Call for the question.

6 MR. MAHFOOD: Call for that question.

7 Ready, Llona?

8 MS. WEISS: There's no changes to that.

9 Correct?

10 DR. WADE: No.

11 MR. MAHFOOD: To the -- yes.

12 MS. WEISS: Day?

13 MR. DAY: No.

14 MS. WEISS: Driskill?

15 MR. DRISKILL: No.

16 MS. WEISS: Firebaugh?

17 MS. FIREBAUGH: No.

18 MS. WEISS: Foster?

19 REPRESENTATIVE FOSTER: No.

20 MS. WEISS: Garnett?

21 MR. GARNETT: No.

22 MS. WEISS: Goode?

23 SENATOR GOODE: No.

24 MS. WEISS: Law?

25 MR. LAW: No.

1 MS. WEISS: Mahfood?
2 MR. MAHFOOD: No.
3 MS. WEISS: Saunders?
4 MR. SAUNDERS: No.
5 MS. WEISS: Smith?
6 MR. SMITH: No.
7 MS. WEISS: Bedan?
8 MR. BEDAN: No.
9 MS. WEISS: Childers?
10 SENATOR CHILDERS: No.
11 MS. WEISS: Conley?
12 MR. CONLEY: No.
13 MS. WEISS: All in the negative.
14 SENATOR GOODE: I have a motion.
15 DR. WADE: Okay.
16 SENATOR GOODE: We put this up -- somebody
17 needs to write it down.
18 Support the Conservation Commission -- the
19 Missouri Conservation Commission's --
20 DR. WADE: Support the Missouri Conservation
21 Commission.
22 SENATOR GOODE: -- further consideration of
23 a possible use of a yield tax to encourage forest
24 sustainability.
25 I'm not sure exactly what they were doing,

1 but from what I hear, it was something pretty close to
2 that.

3 DR. WADE: Discussion on this
4 recommendation, please.

5 MR. LAW: Is there a second on that?

6 MR. MAHFOOD: Second.

7 MS. FIREBAUGH: Is there a second?

8 DR. WADE: Yes.

9 SENATOR GOODE: Jerry, can I ask you, is
10 that fairly close to what the Commission was talking
11 about?

12 MR. CONLEY: Yeah. Well, it's pretty close.
13 I mean, it --

14 DR. WADE: Emily?

15 MS. FIREBAUGH: I have no problem with it
16 because I do this now, as long as it's voluntary in
17 the program.

18 MR. LAW: We don't know that.

19 MS. FIREBAUGH: I know that now.

20 MR. DAY: We don't know what they were
21 discussing in the Department, I think.

22 MS. FIREBAUGH: No. But what I'm saying is,
23 as long as we instruct them to make it a voluntary
24 program, I have no problem voting for it.

25 SENATOR CHILDERS: Are you asking that the

1 word "voluntary" be put in there? Is that what you're
2 saying?

3 MS. FIREBAUGH: Yes.

4 MR. LAW: A voluntary yield tax?

5 MS. FIREBAUGH: I do that now.

6 MR. BEDAN: That makes it meaningless
7 because it's already there.

8 MR. LAW: I don't volunteer.

9 MR. BEDAN: Then we're not saying anything.

10 SENATOR GOODE: I think we're giving them
11 all of the openings necessary to do it the way they
12 think it should be, the way it is there. If they can
13 figure out some way to effectively use a voluntary
14 tax, fine.

15 MR. DAY: I think it is just another way to
16 word the same severance tax/yield tax thing. And I
17 say we vote on it twice. Let's vote on it again and
18 be done with it.

19 MR. DRISKILL: I don't want to belabor this,
20 but let me ask the question of Jerry Conley again:
21 What exactly is the Conservation Commission's
22 position? I would kind of like to know that before I
23 vote on this, because I'm not sure that I understand.

24 MR. CONLEY: Well, of course, you know, you
25 understand that the Commission was responding to the

1 series of questions that we developed, and when they
2 came to that question, they said, Okay, we can support
3 the idea of a severance tax if it's -- if it's only
4 collected in those cases in which a person does not
5 have the -- have a best management practices program
6 going, and if the money that's -- that's collected on
7 those lands that don't have it is put into some kind
8 of separate account to be used for landowner
9 education. So that's sort of where they came down.

10 MR. DRISKILL: Okay.

11 DR. WADE: Emily?

12 MS. FIREBAUGH: As a landowner, let me tell
13 you what I'm doing with the yield tax after reading
14 the MDC draft. I went to the courthouse, got my
15 assessment, looked over my taxes, looked at the
16 increased value of my timber when it's harvested, and
17 I've decided that my yield tax is now costing me more
18 than I'm getting a benefit from the tax on my
19 assessment.

20 MR. LAW: That's right.

21 MS. FIREBAUGH: Okay. So what I am looking
22 at now, which will be my next step, is how I can buy
23 my way out of the forest cropland program because of
24 the yield tax.

25 Does anybody have a question on that,

1 because that is what I'm looking at as a landowner.
2 Jay?
3 MR. LAW: Well, there are fewer people now
4 under forest crop than there have been before.
5 MS. FIREBAUGH: Exactly. And I'm looking at
6 buying out 3,000 acres.
7 MR. LAW: Are they talking about for all
8 forest land or only that land that is put into forest
9 crop?
10 DR. WADE: John?
11 MR. LAW: That question I don't understand.
12 MR. SMITH: Well, it's my understanding that
13 what we're talking about is for all forest land.
14 We're not talking about the forest cropland -- the
15 specific forest cropland law that you're talking
16 about. This is a severance tax that would be for
17 all -- all timber that's cut.
18 To me it makes a lot of difference if -- if
19 the money is collected or not collected. If it's --
20 if it's -- and if it's just for BMPs and not a forest
21 management plan, then that's -- that's something
22 different.
23 The first new time you talked about it, you
24 said you needed a forest plan plus doing BMPs. If
25 it's just doing BMPs, I would tend to be more

1 supportive of it than to make everyone have a forest
2 plan, because that's pretty complicated -- a much more
3 complicated thing.

4 MR. CONLEY: Yeah.

5 MR. SMITH: If it's just for doing water
6 pollution control on their land, then that's something
7 that -- I think this is vague enough that we might --
8 I mean, I might be able to vote for it, but it -- I
9 wish we knew a little more about which it is and
10 how -- how they're going to do it.

11 DR. WADE: David?

12 MR. DAY: Again, I think it is a
13 disincentive to be in the timber industry and a good
14 reason to put the ground in something that's not taxed
15 and not regulated quite so heavily.

16 DR. WADE: One more comment, Emily.

17 MS. FIREBAUGH: Yes. As a landowner, once
18 again, I'll tell you I'll cut and run. I'll sell and
19 get out, and that's 9,000 acres out of private
20 ownership in one county in six years. And I will sell
21 out before I get regulated and have to deal with
22 paying a tax above and beyond what I'm used to paying
23 in the past.

24 MR. MAHFOOD: Listening to -- I couldn't
25 support that last specific one, and, for me, I'm

1 forced to vote on the other one on the up. But I
2 like -- I still like this idea because there is
3 nothing in here. All it said is "possible," "maybe,"
4 "further consideration." To me that's what we entrust
5 the Commissioners to do, and there is a process there
6 of hearings and a public process that they would have
7 to go through.

8 For me, this is -- this is something I think
9 they need to look at. We're not going to decide this
10 today. That's why I couldn't support the 6 percent.
11 I don't know if it's -- I don't know how to do this.
12 And I'm not sure -- I'm sure we all would have our
13 opinions, but I think this is a much less onerous way
14 of approaching this than what we voted on this last
15 time.

16 DR. WADE: Do you have something new to add
17 to the conversation?

18 MR. LAW: I would say that the question to
19 me, and I checked with one of the commissioners, and
20 they say they do not have any authority on the forest
21 lands of Missouri. There is no legislative authority
22 for them to do that.

23 SENATOR GOODE: That's true, but that's what
24 they're talking about.

25 MR. BEDAN: But if they don't have the

1 authority, then what they do is make a proposal to the
2 Legislature.

3 SENATOR GOODE: That's what the discussion
4 is about, I think.

5 MR. BEDAN: That's not new. The Legislature
6 will have to take all of these things into
7 consideration.

8 MR. MAHFOOD: Ready to call for the vote on
9 the --

10 DR. WADE: "Support Missouri Conservation
11 Commission to further -- to further consideration of
12 possible use of a yield tax to encourage forest
13 sustainability."

14 MR. MAHFOOD: Llona?

15 MS. WEISS: Driskill?

16 MR. DRISKILL: Yes.

17 MS. WEISS: Firebaugh?

18 MS. FIREBAUGH: No.

19 MS. WEISS: Foster?

20 REPRESENTATIVE FOSTER: No.

21 MS. WEISS: Garnett?

22 MR. GARNETT: No.

23 MS. WEISS: Goode?

24 SENATOR GOODE: Yes.

25 MS. WEISS: Law?

1 MR. LAW: No.
2 MS. WEISS: Mahfood?
3 MR. MAHFOOD: Yes.
4 MS. WEISS: Saunders?
5 MR. SAUNDERS: Yes.
6 MS. WEISS: Smith?
7 MR. SMITH: No.
8 MS. WEISS: Bedan?
9 MR. BEDAN: Yes.
10 MS. WEISS: Childers?
11 SENATOR CHILDERS: No.
12 MS. WEISS: Conley?
13 MR. CONLEY: Yes.
14 MS. WEISS: Day?
15 MR. DAY: No.
16 MS. WEISS: Six yes; seven no.
17 MS. ALICE GELLER: And this is gone, too.
18 Right?
19 DR. WADE: Yes. We have two recommendations
20 on the establishment of a Forest Resources Council.
21 MR. SMITH: Dr. Wade, why don't we --
22 DR. WADE: Do you want to just keep working
23 through the Finance?
24 MR. SMITH: Why don't we consider (D),
25 which, I think, is exactly the same thing. I think

1 that was -- that Conservation bond was --

2 DR. WADE: In fact, let's just do that whole

3 list of financing.

4 (D), "Require a Conservation bond by timber

5 owners prior to harvesting. Refund when sustainable

6 forest management and BMPs are used."

7 MR. SMITH: This -- the Conservation bond

8 was a -- is a phrase that I came up with that I

9 thought would be more acceptable than a tax. And,

10 like I said, I think we're on the right track with

11 some of the BMP things that we're doing and such over

12 here, so I would no longer support -- support this.

13 MR. DAY: Second.

14 SENATOR CHILDERS: Call for vote.

15 DR. WADE: Chair?

16 MR. MAHFOOD: Llona?

17 MS. WEISS: Firebaugh?

18 MS. FIREBAUGH: No.

19 MS. WEISS: Foster?

20 REPRESENTATIVE FOSTER: No.

21 MS. WEISS: Garnett?

22 MR. GARNETT: No.

23 MS. WEISS: Goode?

24 SENATOR GOODE: Yes.

25 MS. WEISS: Law?

1 MR. LAW: No.
2 MS. WEISS: Mahfood?
3 MR. MAHFOOD: Yes.
4 MS. WEISS: Saunders?
5 MR. SAUNDERS: Yes.
6 MS. WEISS: Smith?
7 MR. SMITH: No.
8 MS. WEISS: Bedan?
9 Mr. BEDAN: Yes.
10 MS. WEISS: Childers?
11 SENATOR CHILDERS: No.
12 MS. WEISS: Conley?
13 MR. CONLEY: Yes.
14 MS. WEISS: Day?
15 MR. DAY: No.
16 MS. WEISS: Driskill?
17 MR. DRISKILL: No.
18 MS. WEISS: Five yes.
19 DR. WADE: "Develop a statewide check-off
20 program on timber sales modeled after the check-off
21 program for other agricultural commodities. The
22 revenue generated would be used to support a variety
23 of programs including research, marketing initiatives,
24 value-added wood products and landowner and public
25 education."

1 Mark?

2 MR. GARNETT: Would the wording of that tell

3 us if that program is voluntary or if we have to?

4 What's the --

5 DR. WADE: David?

6 MR. DAY: I think the important thing to

7 note is check-offs -- and Director Saunders can

8 correct me if I'm wrong, but check-offs are voted upon

9 by the producers if they want to have the check-off

10 program are not. And then, I think, within that vote

11 the producers decide if it's voluntary or if at the

12 end of the year they can get a refund, so it's -- it's

13 totally up to the producers in the other programs.

14 Is that correct?

15 MR. SAUNDERS: Yes, that's correct, but once

16 it's -- one, if -- if it's a mandatory or a legislated

17 check-off, then once that's done, then, through the

18 law it's either set up for a referendum ever so many

19 years or not. But once it's enacted, then it isn't

20 voluntary, if they go that route.

21 And if it is voluntary, it's not voted on.

22 MR. DAY: But when the producers vote -- and

23 if I'm a producer of timber and I vote that I want a

24 check-off, I know that upfront if it passes and

25 becomes --

1 MR. SAUNDERS: Right.

2 MR. DAY: Okay.

3 MR. SAUNDERS: Sure.

4 DR. WADE: Yes.

5 MS. FIREBAUGH: Someone needs to explain the
6 check-off program to me. I'm completely naive about
7 that.

8 MR. DAY: I can speak to beef.
9 If I tell you a dollar a head for every head
10 that I sell, that money goes to the Missouri Beef
11 Industry Council on the federal level, and they use it
12 for advertising, research for new beef products,
13 marketing, that sort of thing. And the Beef Industry
14 Council is elected by the producers in Missouri.

15 MS. FIREBAUGH: Who collects this?

16 MR. DAY: Well, I sell my cattle through a
17 sale barn, and the sale barn collects it in that case.
18 There is a lot of cattle -- if I sell John some I
19 doubt that -- if I sit down and sell him five head, I
20 doubt I sit down and write a check for \$5 and send to
21 them. I mean, that just happens. But it is collected
22 through sale barns in the case of cattle.

23 MS. FIREBAUGH: What do you -- what do you
24 do with something like a crop or something like --
25 which would be harvesting of trees which is not a

1 head-by-head kind of thing. Would we do it by ton?

2 Would we do it by board foot? How do we do this?

3 MR. SAUNDERS: Well, in the case of corn and
4 soybeans and rice -- there may be some others -- I
5 think apples --

6 MR. LAW: Nut groves have one.

7 MR. SAUNDERS: -- nut groves, that money is
8 collected by a council elected by the growers, and it
9 actually is collected by the Missouri Department of
10 Revenue in the case of all of those I just named.

11 That money is submitted to the Missouri
12 Department of Revenue. It's through the auspices
13 of -- of our Department. We -- we kind of oversee it,
14 but the money actually goes to the Department of
15 Revenue, and then it's channeled back to that council
16 for use in producer education, promotion of the
17 product, any research, virtually anything except
18 governmental lobbying. It's not allowed for that.
19 But producer education, research, and promotion are
20 what most of these funds are used -- most of those
21 acts require the funds to be used for that.

22 DR. WADE: Joe?

23 MR. DRISKILL: I would like to propose an
24 amendment. This is a little bit oblique as to who is
25 developing and who is doing. In all of the other

1 cases of check-offs, it is -- it is a producer-
2 initiated activity. It is producer controlled. There
3 are some cases where governmental entities cooperate
4 to collect the voluntary check-off dollars.

5 So I guess my amendment would be, encourage
6 producers to adopt a statewide check-off program, and
7 the rest of the language would be the same.

8 DR. WADE: Is that generally acceptable?

9 Okay.

10 MR. MAHFOOD: Ready for a vote?

11 DR. WADE: Chair.

12 "Encourage producers to develop a statewide
13 check-off program on timber sales modeled after the
14 check-off programs of other agricultural commodities.
15 The revenue generated would be used to support a
16 variety of programs including research, marketing
17 initiatives, value-added wood products, and landowner
18 and public education."

19 MR. MAHFOOD: Llona?

20 MS. WEISS: Foster?

21 REPRESENTATIVE FOSTER: Yes.

22 MS. WEISS: Garnett?

23 MR. GARNETT: Yes.

24 MS. WEISS: Goode?

25 SENATOR GOODE: Yes.

1 MS. WEISS: Law?
2 MR. LAW: Yes.
3 MS. WEISS: Mahfood?
4 MR. MAHFOOD: Yes.
5 MS. WEISS: Saunders?
6 MR. SAUNDERS: Yes.
7 MS. WEISS: Smith?
8 MR. SMITH: Yes.
9 MS. WEISS: Bedan?
10 MR. BEDAN: Yes.
11 MS. WEISS: Childers?
12 SENATOR CHILDERS: Yes.
13 MS. WEISS: Conley?
14 MR. CONLEY: Yes.
15 MS. WEISS: Day?
16 MR. DAY: Yes.
17 MS. WEISS: Driskill?
18 MR. DRISKILL: Yes.
19 MS. WEISS: Firebaugh?
20 MS. FIREBAUGH: Yes.
21 MS. WEISS: All in the affirmative.
22 DR. WADE: "Provide tax credits for timber
23 owners to use recommended practices, planning and
24 management; (F)1, provide a tax credit if BMPs are
25 used and a licensed, certified or accredited forestry

1 consultant and loggers."

2 Do you want to deal with the whole package,
3 or do you want to deal with them in specific -- item
4 by item, one through four? Do you want to deal with
5 that simply as one?

6 SENATOR GOODE: Put it all in one.

7 DR. WADE: Yes.

8 SENATOR CHILDERS: There is one issue on
9 there that is a concern to me and that is the one for
10 at least 15 percent cull, rough, rotten or trash wood.
11 I'm not sure that's the right terminology, but I think
12 that's an issue we've talked about a great deal in
13 this Committee, is how to deal with that.

14 Do we want to encourage the utilization of
15 those lower quality timber resources? That's --
16 that's one that I would be inclined to say if there is
17 a credit to be given, that's where it would be.

18 So I would like to vote on that issue.

19 DR. WADE: Emily?

20 MS. FIREBAUGH: As someone who's dealing
21 with this -- I would like for Jay to come in on this
22 one with me.

23 Instead of saying giving a tax credit, I
24 would rather see an incentive program for timber stand
25 improvement rather than this avenue.

1 MR. LAW: Yes, I think that's a better way.

2 MS. FIREBAUGH: I think that would get us
3 out of the tax credit mess, and I think it's more
4 related to what we need out there.

5 MR. LAW: I don't -- I agree with the
6 Senator. A tax cut is not something we want to
7 pursue.

8 MR. DAY: I'll have to ask a question,
9 Senator Goode. I'm kind of dumb on the tax credit
10 thing.

11 Are there any other aspects of industry, I
12 guess, that would be comparable to -- to something
13 like this that receive tax credits for certain
14 practices?

15 SENATOR GOODE: We've -- we've kind of
16 gotten carried away with tax credits, but, basically,
17 what we've -- what I think most people think is a
18 legitimate use of tax credits, and generally they are
19 temporary in length, but to expand a business, to
20 bring a new business in where there is going to be
21 employment, and, you know, it's something that's going
22 to -- there is going to be an offsetting stream of
23 revenue that's going to come back to the State to
24 replace those tax credits. And, for the most part,
25 you know, we've tried to limit it to, you know, that

1 basis.

2 Now, there are probably some out there that
3 may not match that, but I think they start out, you
4 know, trying to do it in a way that there is an
5 offsetting stream of revenue that in most cases is --
6 and Joe could probably answer this better than me. We
7 looked at it in the Appropriations Committee the other
8 day. It is one of our assigned duties.

9 Generally, the stream of revenue that is
10 brought in through these is much greater than what you
11 give away and distinguish that from using tax credits
12 to pay somebody for doing something.

13 MR. DRISKILL: If I might, if I could sort
14 of add to that -- and the Senator is right -- most all
15 of the tax credit programs are designed to produce
16 some new economic activity at a level above what they
17 are occurring before a decision was made; though, I
18 would say that we have some on the books like the
19 charcoal producers' tax credit -- I think Senator
20 Childers is actually responsible for that one -- wine,
21 grape growers, a variety of others that do relate in
22 some way to something produced from the ground, but
23 they are all aimed at producing new investment, new
24 hiring, new streams of revenue brought about as a
25 result of new economic activity.

1 MR. DAY: I guess my thought on a tax
2 credit, while I don't want to see the timber industry
3 overregulated over a lot of other industries in
4 agriculture, I also don't think they need special
5 treatment. And, I guess, I would be against a tax
6 credit if it's not consistent with the use of them in
7 other areas.

8 MS. FIREBAUGH: Go on.

9 MR. GARNETT: Well, my -- I brought this up,
10 and my concern, again, is that we -- we did not know
11 in the beginning how much we were going to ask the
12 landowner to do, and not knowing that you have a
13 problem in that if you start taxing landowners
14 involved, forcing their sales, and some various things
15 involved there.

16 You get into some expense situations that
17 they would not be reimbursed for, and that's the
18 reason for a tax credit. I don't think we've gone
19 that far so there is probably not a real need for them
20 at this point, you know.

21 SENATOR GOODE: We have that in a lot of
22 other areas, but we don't use tax credits to pay them
23 to do it.

24 MS. FIREBAUGH: I think one and two are --
25 to me should be eliminated. Four -- or no. Yeah, one

1 and two should be eliminated. Three should be
2 rewritten into a TSI program -- no, no. I'm sorry.
3 Which one is it that I said should be a TSI?
4 Oh, No. 2 should be a TSI. One and three
5 should be eliminated.
6 Four, I would like to discuss as a tax
7 deduction for our expenses in running a timber
8 business. And I'm not an expert on taxes here, but I
9 want to ask Scott Brundage, if we could, is that
10 allowable?
11 DR. WADE: Would you look at (G) and see if
12 your concern there is going to be dealt with on (G)?
13 MR. BRUNDAGE: The expense management
14 cost --
15 MS. FIREBAUGH: That would be it. Okay.
16 Good.
17 DR. WADE: Okay.
18 MS. FIREBAUGH: Thank you.
19 So I'm only going to talk about the two --
20 the (F)2 as a timber stand improvement rewrite, and
21 we'll have to put that underneath a different
22 category, No. 2 up here under (F).
23 DR. WADE: Let me make a recommendation on
24 dealing with this.
25 MR. MAHFOOD: Please.

1 DR. WADE: In the discussion there have been
2 two separate questions that have emerged. One was by
3 Senator Childers of something to encourage the use of
4 cull, rotten --
5 SENATOR CHILDERS: And low quality -- just
6 call it low quality.
7 DR. WADE: -- low quality -- low quality
8 wood, and the second is forest stand improvement.
9 My suggestion --
10 MS. FIREBAUGH: Timber stand improvement.
11 DR. WADE: Timber stand improvement.
12 My suggestion is that you vote on this
13 issue, (F), as a whole, and then ask those two to
14 write a suggested recommendation that we will then put
15 up a little later.
16 MR. MAHFOOD: I just want -- wanted to say
17 that on the tax credit perspective, I think we need to
18 do this other thing. It is going to be very
19 important, because I can't support additional tax
20 credit.
21 I've been fighting my own Department to stop
22 programs from coming up. Everybody wants to use tax
23 credits to solve all of the problems and we've taken a
24 different tact, so I just want to say I -- it's not
25 that I don't support other kinds of -- however we can

1 write other incentives, but I can't support additional
2 tax credits.

3 DR. WADE: Would that be acceptable to Emily
4 and Doyle to get your concerns -- to take care of
5 that?

6 SENATOR CHILDERS: I'm perfectly willing to
7 not use tax credits and use a deduction, just so there
8 is something.

9 DR. WADE: Okay. Is there further
10 discussion specifically with new information on (F)
11 then?

12 MR. MAHFOOD: Call for the vote.
13 Llona?

14 MS. WEISS: Just as is?

15 MR. MAHFOOD: (F).

16 DR. WADE: (F), as is.

17 MS. WEISS: Garnett?

18 MR. GARNETT: Yes.

19 MS. WEISS: Goode.

20 SENATOR GOODE: No.

21 MS. WEISS: Law?

22 MR. LAW: No.

23 MS. WEISS: Mahfood?

24 MR. MAHFOOD: No.

25 MS. WEISS: Saunders?

1 MR. SAUNDERS: No.
2 MS. WEISS: Smith?
3 MR. SMITH: No.
4 MS. WEISS: Bedan?
5 MR. BEDAN: No.
6 MS. WEISS: Childers?
7 SENATOR CHILDERS: No.
8 MS. WEISS: Conley?
9 MR. CONLEY: No.
10 MS. WEISS: Day?
11 MR. DAY: No.
12 MS. WEISS: Driskill?
13 MR. DRISKILL: No.
14 MS. WEISS: Firebaugh?
15 MS. FIREBAUGH: No.
16 MS. WEISS: I'm sorry. I cannot hear.
17 Firebaugh?
18 MS. FIREBAUGH: No.
19 MS. WEISS: Foster?
20 REPRESENTATIVE FOSTER: No.
21 MS. WEISS: One yes; twelve no.
22 DR. WADE: Okay. (G) --
23 And sometime this morning if you two would
24 take a chance and at least draft -- draft something
25 that we can work from on your suggestion, and we'll

1 deal with that later.

2 (G) "Reduce tax liability for timber owners
3 who use sustainable management and BMPs by, one,
4 excluding percentage and timber for income from income
5 tax liability; two, create a sliding scale on capital
6 gains tax on the sale of timberland; three, reduce the
7 inheritance tax liability on timberland; four, expense
8 management costs."

9 Senator?

10 SENATOR GOODE: I don't think the first one
11 probably is something that's -- that's doable in terms
12 of the tax laws because what you're saying is you're
13 arbitrarily not going to count some income.

14 But when you get into, I think, the second
15 one on capital gains, that's legitimate because,
16 obviously, trees are more than a year old, and they
17 could be considered long-term capital gain.

18 And then the expense part of it, expenses
19 legitimately ought to be deductible, so I think that's
20 good.

21 The inheritance tax is, I think everybody
22 knows, really a federal issue because that's -- that's
23 what controls inheritance taxes, and while there is a
24 State inheritance tax, it mirrors the Federal and
25 there's probably nothing that we can do about the

1 inheritance tax.

2 But I think the second one and the fourth
3 one are certainly legitimate issues.

4 DR. WADE: Let me recommend a possible way
5 to address this then is that, could we focus a
6 discussion on eliminating one and three, and if there
7 is no discussion, could we simply vote on that, and
8 then -- then address the discussion of the
9 recommendation on the two items that -- is there
10 general Commission feeling that one and three probably
11 should be excluded from this?

12 MR. MAHFOOD: Yes.

13 DR. WADE: Okay. If there is, why don't we
14 simply go to a vote on excluding those, and then we
15 can direct our discussion on what remains.

16 Mark?

17 MR. GARNETT: This, again, depends on
18 whether we are going to do something else to increase
19 landowner costs. Are we all done with that at this
20 point? Is there nothing we're going to do? We're not
21 going to ask them to do anything different at this
22 point?

23 SENATOR GOODE: I don't know about that.
24 But, like, on one, you know, you could say, Well, I'm
25 in the dairy business, and milk is good for people,

1 so, therefore, you shouldn't tax the money I make on
2 milk. And, you know, it's kind of that kind of
3 argument to try to just say we're not going to tax
4 income on some certain activity because it's good for
5 the public. So I don't think that's a legitimate
6 issue that's going to go anywhere. So deal with it
7 with expenses and deal with it with capital gains or
8 some other form of taxation.

9 I don't know what we're going to do overall,
10 but I think of these four up there, you got two
11 legitimate ways to deal with tax issues and two --
12 well, one is federal and we can't do, and the other is
13 really not a legitimate way to do it.

14 DR. WADE: Is there any further discussion
15 directed at eliminating one and three from that list?
16 Emily?

17 MS. FIREBAUGH: Yes. I think we should get
18 rid of any inheritance tax that we can.

19 As a landowner I've had to see the
20 timberland absolutely chainsaw-massacred to pay taxes.
21 I know we can't do anything about the Federal, but
22 you've got to sit down and write two separate checks,
23 and when you write them, it's not happy whether it's
24 State and it's a little bit less on Federal, but it's
25 a lot. If we can get rid of that, let's do it.

1 DR. WADE: My suggestion is that we vote
2 separately on one and three to exclude them, either
3 exclude them or not exclude them, and move to
4 what's -- to what remains after that.

5 MR. MAHFOOD: All right. So we're going to
6 initially vote on excluding one and three from the
7 overall vote on (G), which I assume would then include
8 two and four --

9 DR. WADE: Yes.

10 MR. MAHFOOD: -- afterwards?

11 DR. WADE: Based upon Emily's comment, I
12 think you need to vote separately on one and
13 separately on three.

14 MS. FIREBAUGH: Please.

15 MR. MAHFOOD: Okay. That's how you want
16 that?

17 MR. BEDAN: So this means a "yes" vote is a
18 no vote?

19 DR. WADE: A "yes" vote is to exclude them.
20 Does everyone understand that?

21 MR. SMITH: So we're excluding one, and the
22 "yes" vote means you are in favor of excluding it?

23 DR. WADE: If "yes" passes, Alice will cross
24 a line through it.

25 MR. MAHFOOD: Okay. All right.

1 DR. WADE: Deleting it.

2 MR. MAHFOOD: A "yes" vote deletes one.

3 MR. SMITH: And then they will be brought up

4 separately?

5 DR. WADE: No. They are going to be

6 deleted.

7 MR. MAHFOOD: We're going to vote. The

8 request I have is we're going to vote on deleting one,

9 and then we're going to vote on deleting three.

10 MR. SMITH: I see.

11 MR. MAHFOOD: And then we'll vote on the

12 balance, which is (G) with two and four in it, on

13 whether to adopt that.

14 Okay. Vote on one, whether to delete it.

15 "Yes" deletes it.

16 Llona?

17 MS. WEISS: Goode?

18 SENATOR GOODE: Aye.

19 MS. WEISS: Law?

20 MR. LAW: Yes.

21 MS. WEISS: Mahfood?

22 MR. MAHFOOD: Yes.

23 MS. WEISS: Saunders?

24 MR. SAUNDERS: Yes.

25 MS. WEISS: Smith?

1 MR. SMITH: Yes.
2 MS. WEISS: Bedan?
3 MR. BEDAN: Yes.
4 MS. WEISS: Childers?
5 SENATOR CHILDERS: Yes.
6 MS. WEISS: Conley?
7 MR. CONLEY: Yes. Yes.
8 MS. WEISS: Day?
9 MR. DAY: Yes.
10 MS. WEISS: Driskill?
11 MR. DRISKILL: Yes.
12 MS. WEISS: Firebaugh?
13 MS. FIREBAUGH: Yes.
14 MS. WEISS: Foster?
15 REPRESENTATIVE FOSTER: Yes.
16 MS. WEISS: Garnett?
17 MR. GARNETT: No.
18 MS. WEISS: One no, and the rest
19 affirmative.
20 MR. MAHFOOD: Okay.
21 MR. SMITH: I have put together a little bit
22 of wording to include some thoughts on this one now
23 that we can include with it, and that way we can get
24 rid of that other point that comes under the same
25 area.

1 DR. WADE: Do we want to deal with number --
2 the inheritance tax one first, or is your conversation
3 directed toward that?

4 SENATOR CHILDERS: On three would be the
5 dealing with reduced -- inheritance tax alone -- I'm
6 sorry. We have another -- a second vote.

7 MR. MAHFOOD: Second vote on whether or not
8 to delete No. 3. Affirmative will be to delete that
9 item.

10 Llona?

11 MS. WEISS: Goode?

12 SENATOR GOODE: Aye.

13 MS. WEISS: Law?

14 MR. LAW: Aye.

15 MS. WEISS: Mahfood?

16 MR. MAHFOOD: Aye.

17 MS. WEISS: Saunders?

18 MR. SAUNDERS: Yes.

19 MS. WEISS: Smith?

20 MR. SMITH: No.

21 MS. WEISS: Bedan?

22 MR. BEDAN: Yes.

23 MS. WEISS: Childers?

24 SENATOR CHILDERS: Yes means delete; no
25 means -- let me make sure I get this right.

1 MS. WEISS: What is your answer?
2 SENATOR CHILDERS: No.
3 MS. WEISS: No.
4 Conley?
5 MR. CONLEY: No.
6 MS. WEISS: Day?
7 MR. DAY: No.
8 MS. WEISS: Driskill?
9 MR. DRISKILL: Yes.
10 MS. WEISS: Firebaugh?
11 MS. FIREBAUGH: No.
12 MS. WEISS: Foster?
13 REPRESENTATIVE FOSTER: No.
14 MS. WEISS: Garnett?
15 MR. GARNETT: No.
16 MS. WEISS: Six yes; seven no.
17 DR. WADE: Now, discussion on the
18 recommendation, "Reduce tax liability for timber
19 owners who use sustainable management and BMPs by (A)1
20 creating a sliding scale on capital gains tax on the
21 sale of timberland, and, 2, expense management costs."
22 MR. MAHFOOD: And that stayed.
23 DR. WADE: I'm sorry.
24 MR. MAHFOOD: Yes, so it stays.
25 DR. WADE: I had the vote in reverse.

1 SENATOR GOODE: Why don't we make --
2 MS. FIREBAUGH: I thought I lost on that
3 one.
4 MS. ALICE GELLER: No keeps it.
5 MS. WEISS: There was six yes and seven no.
6 MS. FIREBAUGH: Then I voted wrong, I think.
7 MR. DAY: You voted right. You voted just
8 right.
9 DR. WADE: Could we get attention back,
10 please?
11 SENATOR GOODE: I think on two we should say
12 that we support taxing the gains on timber profits at
13 the capital gains rate. Isn't that really what you
14 want to say?
15 SENATOR CHILDERS: That's what you do now.
16 MR. GARNETT: That's what we're currently
17 doing.
18 SENATOR GOODE: What do you want to do on
19 two then?
20 MS. FIREBAUGH: You're taking this from the
21 timberland sales and taking it into timber harvest
22 sales.
23 SENATOR GOODE: Yeah. Timber, not land. I
24 know if you sell the land, it's a capital gains. But
25 if you sell the trees themselves, is that long-term

1 capital gains?

2 MR. LAW: Yeah.

3 SENATOR GOODE: Okay. Then what's the --

4 what are you trying to do with two then?

5 MR. GARNETT: Get better treatment of that

6 at the State level.

7 SENATOR GOODE: It's already at the capital

8 gain.

9 MR. GARNETT: They are wanting a better

10 capital gain rate with that, I believe.

11 SENATOR GOODE: All right.

12 DR. WADE: David?

13 MR. BEDAN: It seems to me this is getting

14 all mucked up because capital gains on the sale of

15 timber and expense management costs are annual things

16 on income tax. Right? They would be annual things

17 connected with the actual cutting or not cutting of

18 the land.

19 If you start getting into the sale of

20 timberland or inheritance taxes, those are one-time

21 things. How do you guarantee that BMPs are used in

22 the future? I mean, you could -- you could -- if you

23 waive the inheritance tax, then the next year it could

24 all be totally destroyed. So I think we're mixing up

25 one-time taxes versus annual taxes, and we ought to

1 separate these out.

2 I would especially like to separate out
3 No. 3 because if you don't, you might lose the whole
4 thing. And I would like to vote for some version of
5 the others, if that makes sense.

6 SENATOR CHILDERS: I, too -- I think that
7 that probably is a little difficult to do. How do you
8 set the sliding scale? So I think that is a problem
9 there. If we break them out, then I still have some
10 wording here for it, another one that could solve that
11 other problem. If we're going to do it, then I would
12 like to go ahead and make a motion for this other
13 language, if we could.

14 I wrote down something here, to recommend a
15 double deduction for the net cost of timber stand
16 improvement up to . . . and put a cap on it and cap it
17 somewhere on that, that if you -- that would be one
18 way of encouraging timber stand improvement across the
19 state. If you use a net cost of a -- if I sell the
20 timber and get something out of it, you only get a
21 deduction for any net costs that you have, so it --

22 DR. WADE: Can you repeat that for --

23 MS. ALICE GELLER: Can I use your paper?

24 DR. WADE: Okay. Discussion? Further
25 discussion on --

1 MS. FIREBAUGH: Let me see what this one
2 reads like, because -- yeah.

3 SENATOR CHILDERS: I'm not sure about the
4 dollar, if we should have a cap on it or not, but that
5 was one of the thoughts that I wanted to put in there
6 for discussion.

7 MS. FIREBAUGH: I have one question I'd like
8 to ask.

9 When I have applied for timber stand
10 improvement -- Jay, help me out on this one.

11 When I have applied for timber stand
12 improvement funds previously I had to go through soil
13 conservation, or one of those, and I got, like, \$65 an
14 acre. I've only been able to get that one time in
15 20 years.

16 One of the reasons why I like yours,
17 Senator, is because it won't cost -- we won't have to
18 have funds to subsidize someone like me. We can do
19 the net cost, but with 33 percent of our standing
20 timber being cull, or waste, or whatever category,
21 don't put a cap on it, because we really need to get
22 out there.

23 SENATOR CHILDERS: I'm willing to drop that
24 off.

25 MS. FIREBAUGH: And I'm willing to acquiesce

1 to his statement rather than me writing up one to ask
2 for funding to clear up a TSI.

3 DR. WADE: Jay?

4 MR. LAW: I think there are others here that
5 could talk to the -- there are both State and Federal
6 programs available to landowners that could sign up
7 for, and -- the Stewardship Plan is one way you can
8 get it. I think under the new program that the
9 Department has come up with, landowner services, there
10 is going to be money available. Now, those are all
11 cost shares and they're, like -- some of them are
12 75 percent; some of the them 50 percent.

13 Would the double deduction for the net cost,
14 in terms of that, would you just say that anybody then
15 that would go out and do this timber stand improvement
16 and have their costs, they could double that and use
17 it as a one-time deduction?

18 SENATOR CHILDERS: A one-time deduction.

19 MR. LAW: I think there is already something
20 for re-forestation in the tax law that lets you spread
21 the costs out. It may save you in the long run some
22 State and Federal money. I hope it won't hurt
23 income -- gross income for the State, but I like that
24 idea. And it's available to everybody. And I guess
25 all you would have to do is somewhere administratively

1 be able to certify it was done or something like that.

2 SENATOR CHILDERS: The one reason that I had
3 a cap in there is to make sure that someone didn't go
4 in and deliberately and carelessly do it so you have a
5 higher cost. It would encourage them to utilize every
6 other cost savings whether it be cost share, or
7 whatever it may be, so that whatever their net cost
8 was, that that would be known. But that's why I
9 thought of a cap being in it.

10 MR. LAW: I like the idea.

11 DR. WADE: Emily?

12 MS. FIREBAUGH: Jay, doesn't a TSI have as
13 many requirements as BMPs? I mean, a TSI has a rule
14 and regulation to it that could be checked out if you
15 go out into your woods and do it.

16 Okay. And the reason why it would be such
17 an advantage tax-wise is that we really wouldn't need
18 to put a cap on if -- if you don't give us incentives,
19 then we won't go out there and do a TSI.

20 And the other thing is that this way the
21 private landowner and the Missouri private timberland
22 owner can take the responsibility of getting rid of
23 the culls and not putting the burden on the chip mill
24 companies.

25 DR. WADE: Senator Goode?

1 SENATOR GOODE: I think choosing one
2 industry and saying you get a double deduction is
3 terrible tax policy. You know, how do you justify
4 picking out one industry and say, for every dollar you
5 spend, you're going to be able to deduct two, and
6 justify that as good tax policy? It just doesn't --
7 it just doesn't make any sense to me at all.

8 Besides that, all of this happens -- we
9 determine the AGI by taking AGI off the federal
10 return, and all of this is handled before you get
11 there, and that's another good reason not to do it.

12 SENATOR CHILDERS: The one thing I was going
13 to add is we probably need to say there, while
14 utilizing TSIs, the -- whatever the regulation would
15 be under that, specify that they would have to follow
16 it. That's the only thing I was thinking of, too.

17 But it seems to me when you're doing
18 something beneficial, if we take it as a high priority
19 to improve the forest resources in the state of
20 Missouri, then tax policy is used to encourage things
21 to happen or to discourage things from happening. I
22 mean, that's one of the things that we do in
23 government.

24 And so it seems like that that would be a
25 positive way to do it. Rather than using a punitive

1 way of doing it, you do it by making it positive
2 rather than saying, You either do it or else. You
3 say, If you do it, the program works.

4 SENATOR GOODE: If you start double
5 deducting expenses -- I mean, you can find all sorts
6 of good things to do in various businesses that make
7 sense. You know, pay low-income people more money, so
8 do you deduct their salary twice? I mean, there is
9 just a lot of arguments for doing things that might be
10 good in society, but to give a double tax -- double
11 deduction for it, you know, where do you stop once you
12 start that?

13 SENATOR CHILDERS: The one point I would
14 make, we do it for, say, just to use an example, the
15 Kansas City or St. Louis Stadium. I mean, I think
16 forest improvement is more important than doing
17 stadiums, but we do it for that, so why shouldn't we
18 do it for timber?

19 SENATOR GOODE: We don't give them a double
20 deduction for it.

21 SENATOR CHILDERS: Well, we give them a huge
22 amount of tax money that comes out of everyone else's
23 pocket.

24 SENATOR GOODE: We paid for part of that by
25 paying off the bonds to pay for it with the

1 appropriated money. Now, that may or may not have
2 been a good decision, but it wasn't the only decision
3 that was done like that, but that's a lot different
4 than starting something in tax policy with double
5 deductions. If you ever start it, where do you ever
6 end it?

7 DR. WADE: Jay?

8 MR. LAW: I think that, you know, on the
9 national level, historically, there has been money
10 made available to landowners through this State to do
11 timber stand improvement and simply because they
12 realized that this was something you do prior to when
13 there was a product there. But what they're saying
14 is, is that if you go out and do this, those market
15 products will develop quicker. There will be a better
16 return, a thinned rather than an unthinned pole stand,
17 you know.

18 So it is an investment in the future. And I
19 would see this to be what that is. To me it's
20 specific. If we say timber stand improvement, we may
21 have to fluff it out to say in conjunction with plans
22 or something else.

23 I'm assuming that -- would it work here
24 that, say, you got \$100 an acre, and, say, you got \$75
25 from cost share, but you spent 25 out of your own

1 pocket. Then you could take a \$50 deductible? Is
2 that what you're saying? It still isn't saving the
3 \$50. It's a portion of it, but that just reduces the
4 bite a little bit and it directs at our concern with
5 some of the quality that we're growing out there and
6 perhaps with the young stand.

7 SENATOR CHILDERS: A deduction rather than a
8 tax credit?

9 MR. LAW: Yeah. To me it seems specific,
10 but then I -- I deal with special trees.

11 MR. GARNETT: Is this a motion separate from
12 Items 2, 3, and 4; is that correct?

13 SENATOR CHILDERS: That's how I --

14 DR. WADE: It's a motion to add it to that
15 list.

16 MR. GARNETT: Okay. Does it have a second
17 yet?

18 MS. FIREBAUGH: I second it.

19 DR. WADE: Okay.

20 MR. SAUNDERS: If I could make a suggestion
21 here, I think if we -- when we get involved in tax
22 policy, we're going to -- we're going to bring in
23 people in the debate when this is a public hearing and
24 whatever, lobbyists, there are going to be people all
25 over the board to pounce on this because there will

1 be -- just in agriculture, I know, if you're going to
2 do for forest lands and not do it for soil
3 conservation expenses, or other things, I think there
4 will be a big debate.

5 I would prefer the technical assistance and
6 incentives approach that we've got already passed. I
7 think through various cost share programs, that type
8 of thing, we're going to give incentives and provide
9 technical assistance to landowners to do this, and I
10 guess I would be in favor of going that direction
11 rather than trying to change tax policy and do it
12 through tax policy.

13 MR. MAHFOOD: My only comment was going to
14 be, in all due respect to everybody, the tax policy, I
15 follow the discussion, but a lot of it I don't
16 understand. And this is one where I'm more
17 comfortable with (G), and not the details at this
18 point, but that's just -- I mean, that's where I am.

19 I mean, that sends a message that we're
20 asking, that reducing tax liability for timber owners
21 who use sustainable management and BMPs, and if there
22 is -- as John said, there is a process, and in that
23 process a recommendation to the Governor and to the
24 Legislature that they know that they need to look at
25 that, then I would let the process then carry on

1 forward and let people who know better and could spend
2 those months it's going to take to do it. They know
3 our position. That we're for BMPs, sustainable
4 management, and, by God, about anything you can use to
5 get us there is worthy of looking at, but not try to
6 sit here today and try to decide which part of the
7 detail will work.

8 MR. DAY: I like the difference between
9 doing this for timber and doing it for the other
10 aspects of agriculture is, we're being told there is
11 this huge cry for the state of Missouri to improve
12 timber and the timber stands, and if that's the case,
13 then the state of Missouri ought to be willing to help
14 pay for that. And I think that's the difference
15 between doing it for this and doing it for whatever
16 else in agriculture. I don't see the comparison that
17 much.

18 MR. SMITH: And growing timber is such a
19 long-term prospect rather than --

20 DR. WADE: One more comment, Emily.

21 MS. FIREBAUGH: As a land owner, I am saying
22 that this has really excited me to take on
23 responsibility, to get away from high grading, to go
24 out there and help with the timber stand improvement
25 of the culls, et cetera, et cetera. It puts the

1 responsibility on me, and -- and, yet, I want to
2 challenge the Department and the Legislature to come
3 back and show me how much you care about me keeping
4 sustainable forestry going in the state of Missouri, a
5 you-work-with-me-I'll-work-with-you kind of thing.

6 DR. WADE: David?

7 MR. BEDAN: I think I agree with Steve that
8 I would like to tie it to a document for expense cost,
9 for sustainable management, which I assume would
10 include TSI.

11 MS. FIREBAUGH: No. It's two different
12 animals. I don't do TSI now, and I can do the expense
13 management costs without doing TSI.

14 MR. BEDAN: Good sustainable management
15 includes TSI?

16 MS. FIREBAUGH: It could include it, but it
17 does not have to.

18 MR. BEDAN: As far as the timber industry
19 being different, I don't see the timber industry being
20 different or preserving timberland being different
21 than Missouri soil, so once you start opening up
22 things for timber, why wouldn't you want to do it for
23 soil? They are both long-term resources.

24 MR. DAY: When we have an advisory committee
25 on soil that's put together, then we might look at

1 that.

2 DR. WADE: Let me make a recommendation on
3 proceeding. I think we've discussed this fairly
4 extensively.

5 We have a motion that we add that to the
6 list that's up there, and then we have a suggestion
7 that we change the statement.

8 My suggestion is, let us vote on whether or
9 not we add that recommendation to make it a list of
10 four. Then my recommendation is going to be that we
11 vote on the statement as Steve said and then we vote
12 to include the four specifics or not, and that lets
13 each of the issues on how this should be addressed get
14 the vote. Would that be acceptable?

15 MR. SMITH: We already voted on --

16 MS. FIREBAUGH: Yeah, on one and three.

17 DR. WADE: One and three.

18 SENATOR GOODE: Jerry, can we vote on each
19 one of them separately?

20 DR. WADE: No. You vote --

21 SENATOR GOODE: I asked for a division of
22 the question. I want to vote on them separately.

23 MS. FIREBAUGH: I do, too.

24 MS. ALICE GELLER: May I ask one question,
25 because you had talked about deleting this part. Is

1 that staying or not?

2 DR. WADE: Okay. If we're going to vote on

3 them separately, then we need to vote on the -- we

4 just start voting with No. 2 and start working down.

5 SENATOR GOODE: We voted on one and three

6 already.

7 MR. MAHFOOD: Let me -- one other -- go

8 ahead, John. I'm sorry.

9 MR. SMITH: Well, are we going to vote to

10 put in the statement "to reduce tax liability"?

11 MR. MAHFOOD: That's where I was going.

12 MR. SMITH: We're going to vote on that

13 first. Right?

14 DR. WADE: That was my recommendation since

15 it had been suggested that that be the only statement,

16 vote on that, and then vote on each of the separate

17 items of whether or not that gets included or not.

18 MR. SMITH: I think (G), the heading, is

19 something that we -- that probably all of us would

20 agree on, or most of us would agree on.

21 Vote on that, and then vote on each item

22 underneath it for whether it should be added to that?

23 DR. WADE: Whether it should be added to the

24 general statement or not. And that's -- that's the

25 different positions I heard around the table.

1 SENATOR CHILDERS: One question, and I think
2 there was agreement that -- to drop the last three
3 words up to -- drop the cap off, if there is no
4 problem with that. I would go ahead and delete that
5 then.

6 DR. WADE: Okay. Then let's vote on (G),
7 the general statement first, and then vote on two,
8 three, four, and Doyle's addition, to -- whether or
9 not to attach that to the general statement.

10 MR. MAHFOOD: Calling for the roll.
11 Llona?

12 MS. WEISS: Mahfood?

13 MR. MAHFOOD: Yes.

14 MS. WEISS: Saunders?

15 MR. SAUNDERS: Yes.

16 MS. WEISS: Smith?

17 MR. SMITH: Yes.

18 MS. WEISS: Bedan?

19 MR. BEDAN: Yes.

20 MS. WEISS: Childers?

21 SENATOR CHILDERS: Yes.

22 MS. WEISS: Conley?

23 MR. CONLEY: Yes.

24 MS. WEISS: Day?

25 MR. DAY: Yes.

1 MS. WEISS: Driskill?
2 MR. DRISKILL: Yes.
3 MS. WEISS: Firebaugh?
4 MS. FIREBAUGH: Yes.
5 MS. WEISS: Foster?
6 REPRESENTATIVE FOSTER: Yes.
7 MS. WEISS: Garnett?
8 MR. GARNETT: Yes.
9 MS. WEISS: Goode?
10 SENATOR GOODE: Yes.
11 MS. WEISS: Law?
12 MR. LAW: Yes.
13 MS. WEISS: All in the affirmative.
14 DR. WADE: Now, start at two, and do we then
15 attach that to the general statement?
16 MR. MAHFOOD: Right. Can you please read
17 that?
18 DR. WADE: Two is "Create a sliding scale on
19 capital gains on the sale of timberland."
20 MR. BEDAN: Do we go back to that issue
21 where we were talking about the sale of timber, or are
22 we talking about the sale of timberland?
23 MR. SAUNDERS: Timberland.
24 MR. BEDAN: My question is, how do you
25 connect BMPs to timberland? How do you connect an

1 ongoing expense and connect it with cutting, versus
2 selling land?

3 SENATOR CHILDERS: I think it should be
4 timber.

5 MR. GARNETT: I think it should be timber.
6 That's wrong there.

7 DR. WADE: Now, is it the general feeling of
8 the Committee that we should take the "land" off of
9 timber?

10 MR. MAHFOOD: Yes.

11 DR. WADE: Okay. So you are voting on,
12 "Create a sliding scale on capital gains tax on the
13 sale of timber." Is that correct?

14 MR. MAHFOOD: Yes.

15 DR. WADE: Chair?

16 MR. MAHFOOD: Llona, call the roll.

17 MS. WEISS: Saunders?

18 MR. SAUNDERS: Yes.

19 MS. WEISS: Smith?

20 MR. SMITH: Yes.

21 MS. WEISS: Bedan?

22 MR. BEDAN: Yes.

23 MS. WEISS: Childers?

24 SENATOR CHILDERS: Yes.

25 MS. WEISS: Conley?

1 MR. CONLEY: Yes.
2 MS. WEISS: Day?
3 MR. DAY: Yes.
4 MS. WEISS: Driskill?
5 MR. DRISKILL: Yes.
6 MS. WEISS: Firebaugh?
7 MS. FIREBAUGH: Yes.
8 MS. WEISS: Foster?
9 REPRESENTATIVE FOSTER: Yes.
10 MS. WEISS: Garnett?
11 MR. GARNETT: Yes.
12 MS. WEISS: Goode?
13 SENATOR GOODE: Yes.
14 MS. WEISS: Law?
15 MR. LAW: Yes.
16 MS. WEISS: Mahfood?
17 MR. MAHFOOD: Yes.
18 MS. WEISS: All in the affirmative.
19 DR. WADE: "Reduce the inheritance tax
20 liability on timberland."
21 SENATOR CHILDERS: We already voted on that.
22 MR. BEDAN: We voted to keep it on the list.
23 MR. MAHFOOD: Yeah.
24 DR. WADE: Now, Chair.
25 MR. MAHFOOD: Are you ready, Llona?

1 DR. WADE: Dave, has -- there's a couple of
2 comments first.

3 MR. BEDAN: Well, once again, I don't know
4 how you connect the use of BMPs to an inheritance tax,
5 a one-time thing, versus something that's connected
6 with cutting practices.

7 SENATOR GOODE: I don't know any reason to
8 keep -- treat timberland any differently than land.
9 In general, farmland -- they are really a state tax,
10 in general. If anything, you'll have to perhaps ask
11 Congress to raise the threshold on inheritance taxes,
12 is what we ought to be doing.

13 But here, you know, to separate out
14 timber -- timberland, and how much timber do you have
15 to have to be timberland, you know, it doesn't seem to
16 me the type of way we ought to be going.

17 MR. DRISKILL: And I agree with Senator
18 Goode. Is that one day during the life of the
19 ownership of that timber that then qualifies the
20 inheritance tax liability to be reduced or eliminated?
21 I think that's a real sticky wicket.

22 SENATOR CHILDERS: Along the same way, it
23 would be a very big temptation for someone to go out
24 and put their money into timberland just to avoid the
25 inheritance tax. You do it so it really becomes a --

1 it becomes a tax situation, a manipulation, rather
2 than an actual benefit to forest land probably.

3 MR. MAHFOOD: Okay. Everybody ready to --

4 SENATOR GOODE: I think we should be doing
5 it with language asking Congress to raise the
6 threshold -- basically raise the threshold and lower
7 the rates on inheritance taxes, which is something
8 they're talking about, anyway. Let's do that and send
9 a copy to all our Congresspeople.

10 MR. MAHFOOD: I would support that.

11 MR. SMITH: I would second that.

12 MS. FIREBAUGH: My statement will back that
13 up. When we went out on the Westvaco cutting on our
14 field trip and the forester there was saying this is a
15 bad cutting, et cetera, et cetera, it was my family
16 that had to do a hack and slash to pay inheritance
17 tax. So I agree with the Senator. Let's campaign to
18 the federal government to have the limits raised.

19 DR. WADE: Please restate the amended -- the
20 replacement for three.

21 SENATOR GOODE: We include language in the
22 report -- if this is the appropriate place to put it,
23 that's fine, and if not, elsewhere -- that we request
24 Congress to raise the threshold on inheritance taxes
25 and reduce the percentage, or the rate, I guess, is

1 the proper term, on inheritance taxes.

2 MR. BEDAN: It probably ought to be a new
3 and separate issue, because it no longer fits under
4 the general statement of (g.)

5 SENATOR GOODE: It probably should be a
6 separate statement.

7 DR. WADE: Okay. Alice has that listed over
8 here separately. My suggestion is that we go ahead --
9 I think we've got to do a roll call vote on three as
10 listed. And if you vote that out, we'll then come and
11 immediately consider the recommendation as you've
12 stated it as a separate freestanding recommendation.

13 MR. MAHFOOD: Let's do that.

14 Llona, we're going to call the roll on three
15 as it stands right here.

16 And would you read that again, please?

17 DR. WADE: "Reduce the inheritance tax
18 liability on timberland."

19 A "yes" vote would keep it there. A "no"
20 vote would eliminate it from that list. And then
21 after we've done -- finished with this one, then we'll
22 come and vote on the replacement.

23 MR. MAHFOOD: So "yes" eliminates it?

24 DR. WADE: No.

25 MR. MAHFOOD: No eliminates it.

1 DR. WADE: And then use the other
2 alternative.
3 MR. MAHFOOD: Okay. I was just trying to
4 see if everybody is awake.
5 Llona?
6 SENATOR CHILDERS: Would it not be simpler
7 just to, say, to substitute this language -- instead
8 of having two votes, why don't we just say to
9 substitute this for that language?
10 DR. WADE: We are stating them separately.
11 We're making a separate recommendation.
12 MR. MAHFOOD: Llona?
13 MS. WEISS: Smith?
14 MR. SMITH: No.
15 MS. WEISS: Bedan?
16 MR. BEDAN: No.
17 MS. WEISS: Childers?
18 SENATOR CHILDERS: No.
19 MS. WEISS: Conley?
20 MR. CONLEY: No.
21 MS. WEISS: Day?
22 MR. DAY: No.
23 MS. WEISS: Driskill?
24 MR. DRISKILL: No.
25 MS. WEISS: Firebaugh?

1 MS. FIREBAUGH: No.
2 MS. WEISS: Foster?
3 REPRESENTATIVE FOSTER: No.
4 MS. WEISS: Garnett?
5 MR. GARNETT: Yes.
6 MS. WEISS: Goode?
7 SENATOR GOODE: No.
8 MS. WEISS: Law?
9 MR. LAW: No.
10 MS. WEISS: Mahfood?
11 MR. MAHFOOD: No.
12 MS. WEISS: Saunders?
13 MR. SAUNDERS: No.
14 MS. WEISS: One yes; twelve no.
15 (A DISCUSSION WAS HELD OFF THE RECORD.)
16 DR. WADE: "Expense management costs."
17 Chair, the roll.
18 MR. MAHFOOD: Okay. Llona, we're on expense
19 management costs.
20 MR. DAY: "Yes" keeps it?
21 DR. WADE: "Yes" keeps it.
22 MS. WEISS: Okay. We're voting on (G)4,
23 "Expense management costs"?
24 MR. MAHFOOD: Yes.
25 MS. WEISS: Bedan?

1 MR. BEDAN: Yes.
2 MS. WEISS: Childers?
3 SENATOR CHILDERS: Yes.
4 MS. WEISS: Conley?
5 MR. CONLEY: Yes.
6 MS. WEISS: Day?
7 MR. DAY: Yes.
8 MS. WEISS: Driskill?
9 MR. DRISKILL: Yes.
10 MS. WEISS: Firebaugh?
11 MS. FIREBAUGH: Yes.
12 MS. WEISS: Foster?
13 REPRESENTATIVE FOSTER: Yes.
14 MS. WEISS: Garnett?
15 MR. GARNETT: Yes.
16 MS. WEISS: Goode?
17 SENATOR GOODE: Yes.
18 MS. WEISS: Law?
19 MR. LAW: Yes.
20 MS. WEISS: Mahfood?
21 MR. MAHFOOD: Yes.
22 MS. WEISS: McBride?
23 (No response.)
24 MS. WEISS: Saunders?
25 MR. SAUNDERS: Yes.

1 MS. WEISS: Smith?
2 MR. SMITH: Yes.
3 MS. WEISS: All in the affirmative.
4 DR. WADE: Chair, "Recommend a double
5 standard (sic) for net cost of timber stand
6 improvement."
7 SENATOR CHILDERS: A double deduction?
8 DR. WADE: I'm sorry. Double deduction.
9 "Recommend a double deduction for net cost
10 of timber stand improvement."
11 A Freudian slip.
12 MR. MAHFOOD: All right. So we're on --
13 Llona, we're on (G)5 --
14 DR. WADE: (G)5.
15 MR. MAHFOOD: -- which that is.
16 Please call the roll.
17 MS. WEISS: Bedan?
18 MR. BEDAN: No.
19 MS. WEISS: Childers?
20 SENATOR CHILDERS: Yes.
21 MS. WEISS: Conley?
22 MR. CONLEY: Yes.
23 MS. WEISS: Day?
24 MR. DAY: Yes.
25 MS. WEISS: Driskill?

1 MR. DRISKILL: Yes.
2 MS. WEISS: Firebaugh?
3 MS. FIREBAUGH: Yes.
4 MS. WEISS: Foster?
5 REPRESENTATIVE FOSTER: Yes.
6 MS. WEISS: Garnett?
7 MR. GARNETT: Yes.
8 MS. WEISS: Goode?
9 SENATOR GOODE: No.
10 MS. WEISS: Law?
11 MR. LAW: Yes.
12 MS. WEISS: Mahfood?
13 MR. MAHFOOD: No.
14 MS. WEISS: Saunders?
15 MR. SAUNDERS: No.
16 MS. WEISS: Smith?
17 MR. SMITH: Yes.
18 MS. WEISS: Four in the negative and the
19 rest are yes.
20 DR. WADE: "Request Congress to raise the
21 threshold on inheritance taxes and reduce rate of
22 inheritance taxes."
23 Chair?
24 MR. MAHFOOD: Vote, Llona.
25 MS. WEISS: Childers?

1 SENATOR CHILDERS: Yes.
2 MS. WEISS: Conley?
3 MR. CONLEY: Yes.
4 MS. WEISS: Day?
5 MR. DAY: Yes.
6 MS. WEISS: Driskill?
7 MR. DRISKILL: Yes.
8 MS. WEISS: Firebaugh?
9 MS. FIREBAUGH: Yes.
10 MS. WEISS: Foster?
11 REPRESENTATIVE FOSTER: Yes.
12 MS. WEISS: Garnett?
13 MR. GARNETT: Yes.
14 MS. WEISS: Goode?
15 SENATOR GOODE: Yes.
16 MS. WEISS: Law?
17 MR. LAW: Yes.
18 MS. WEISS: Mahfood?
19 MR. MAHFOOD: Yes.
20 MS. WEISS: Saunders?
21 MR. SAUNDERS: Yes.
22 MS. WEISS: Smith?
23 MR. SMITH: Yes.
24 MS. WEISS: Bedan?
25 MR. BEDAN: Yes.

1 MS. WEISS: All in the affirmative.

2 DR. WADE: Okay. What I would like to do
3 now is move to under "Other," (C) and one. Those are
4 variations on the same thing and I think we need to
5 deal with them as one or the other.

6 (C) says, "Institute a moratorium on new
7 high capacity chip mills in the state until further
8 information or study on their potential effect on the
9 forest resources are obtained and completed," or, the
10 other statement, "A moratorium on issuing new permits
11 to high capacity chip mills until more hard
12 information is available on the environmental,
13 economic and social impact of their presence in the
14 Missouri Ozarks."

15 Commission discussion on recommending a
16 moratorium.

17 Doyle?

18 SENATOR CHILDERS: It seems that probably
19 (B) is different, of course, but one down here under
20 (C) pretty well covers everything else. It seems to
21 be the summary of everything, other than (B).

22 DR. WADE: Yeah. (B) -- we'll come back and
23 deal with (B) as a separate issue.

24 Is it the Committee's general acceptance
25 that we deal with No. 1, the statement of No. 1, as

1 the recommendation that we're talking about?

2 MR. DAY: Are you asking, do we want to deal

3 with it?

4 DR. WADE: No. It's one or the other, (C)

5 or No. 1, and Doyle's suggestion was that No. 1 is the

6 one to deal with.

7 MR. DAY: That's fine with me.

8 MR. BEDAN: It's more comprehensive.

9 DR. WADE: Okay. Do you have --

10 REPRESENTATIVE FOSTER: Unless we amend this

11 to include all bordering states, this won't do

12 anything.

13 MR. GARNETT: Go ahead.

14 DR. WADE: Mark?

15 MR. GARNETT: Do we have any jurisdiction

16 over what --

17 REPRESENTATIVE FOSTER: Absolutely none.

18 MR. GARNETT: I didn't think so.

19 MS. FIREBAUGH: None.

20 MR. DAY: I don't see this doing a lot.

21 Just as Senator (sic) Foster implied, if someone goes

22 five miles into Arkansas from the state of Missouri,

23 they can take timber and they don't get benefit of tax

24 revenue in the chip mill. I actually see it as a step

25 backwards.

1 I will also make the statement that if you
2 want a moratorium because you think that they are
3 messing things up, then to me the statement is made,
4 if a new industry comes to Missouri and they screw up
5 bad enough, we'll keep their competition out.

6 MR. LAW: I wrote that. As the title of
7 "moratorium," I think I was very much moved by and
8 looking at the number of comments we received on our
9 draft, and I just felt it needed to be addressed.

10 Since then I have had some legal advice, how
11 good I don't know, but I've also through my -- within
12 my ability tried to review the Clean Water
13 Commission's Act. There is a question at this point
14 as to whether they have authority under their existing
15 to not consider applications, because it pretty much
16 says if they get one, they have to go through the
17 process and do it, so . . .

18 And I also had the reservation that, one, I
19 think when you start doing moratoriums, you don't know
20 how long that's going to last; two, it may bring for
21 the state a reputation that we try to keep things out,
22 which I don't think is very good for business.

23 I'm more interested in the little print down
24 there which says, "State funded study by MDC, DNR,
25 UMC, EPA, and USF for three years on the impact."

1 I think that's the more crucial part. I
2 agree. I would withdraw the moratorium.

3 DR. WADE: Well, the impact question is
4 going to come up --

5 MR. LAW: Okay. In other -- okay.

6 DR. WADE: -- in another set.
7 John?

8 MR. SMITH: I think the moratorium is
9 probably the most important thing this Committee can
10 do. I think it does a number of things. I think it
11 buys us some time to study what the long-term effects
12 are. It does not hurt the industry that's here. It
13 focuses on the chip mill issue directly.

14 And I think where this Committee is going to
15 recommend educational proposals for landowners and
16 loggers and for everyone, I think it's going to take
17 time for those programs to become effective and to --
18 and to really be an efficient part of our system.

19 And -- and also the -- all of the programs
20 that we've talked about are going to take time to --
21 to be put in place. I would -- I would propose
22 putting a time limit on the moratorium. That could be
23 three years, two years, whatever. Either one of those
24 would be fine.

25 But I think it's an important -- an

1 important piece in this puzzle to give the State and
2 other organizations time to get their programs in
3 place and also to do research and find out if there
4 really is a problem.

5 DR. WADE: Doyle?

6 SENATOR CHILDERS: You know, one thing that
7 occurred to me was, if we have a moratorium, we might
8 have a choice on saying "moratorium" or a "temporary
9 permit;" in other words, a permit with a short fuse
10 that you can see what happens, so in case someone does
11 move in, that you really have some real -- much more
12 control over what they do. That's another alternative
13 that we could use there, I'll just throw up for
14 consideration.

15 DR. WADE: Mark?

16 MR. GARNETT: John, are you -- is your -- in
17 your current employment position, is that Missouri
18 Forest Products' position or just your position?"

19 MR. SMITH: That is not -- that is my
20 personal position, not the position of Missouri Forest
21 Products right now, not at this time. It was the
22 position at one time.

23 MR. GARNETT: But not right now.

24 DR. WADE: Emily?

25 MS. FIREBAUGH: As a Committee member, I

1 believe that Earl Cannon and Bill Bryan and I worked
2 on a statement that said, we will not target the chip
3 mill -- high capacity chip mill industry as an
4 industry that we will put a moratorium or eliminate
5 from the free marketplace in the state of Missouri.

6 Am I incorrect in that, Bill? Didn't we
7 work on something like that?

8 MR. BRYAN: We worked on a discussion of how
9 business incentives were used and that we wouldn't
10 discriminate among industries when we dealt with
11 business incentives. They would be available to all
12 industries equally, but I don't remember if we got
13 into a moratorium or not.

14 MS. FIREBAUGH: And then as a landowner, my
15 second comment is, when you -- when you say, This and
16 no more, you are taking the free market, the free
17 enterprise out of it. Those remaining chip mill
18 companies that are here will be able to control the
19 market of my product. In other words, they know they
20 aren't going to have competition, so they don't have
21 to be the nicest kid on the block when I go to their
22 mill, so be cautious of that. You're giving them free
23 way.

24 DR. WADE: David?

25 MR. BEDAN: I agree with John. This is one

1 of the most important things we'll do, because we've
2 been plagued with a lack of information throughout our
3 entire existence, and this gives us time to get more
4 solid information for other bodies to make decisions.

5 And as far as the legality, I don't think
6 that's our call. I think we ought to leave that up to
7 the Clean Water Commission and the Attorney General's
8 Office. And prima facie, it looks like the Attorney
9 General's Office having crafted some language for the
10 Clean Water Commission on moratorium, it seems like
11 the Attorney General's Office would be leaning towards
12 the fact that they do have the power to do this. So I
13 don't think rumors about unknown lawyers saying it's
14 illegal should be considered here.

15 DR. WADE: David?

16 MR. DAY: Yesterday, if I -- yesterday
17 evening, if I recall right, we passed something saying
18 we were going to start keeping track of what goes to a
19 chip mill. Again, if you do a moratorium, all you're
20 doing is encouraging any chip mills that want our
21 timber to go five miles across the state line. We
22 won't know what's going there because we won't have
23 any authority there and we lose the revenue that the
24 chip mill would produce within itself and the timber
25 is going out of state also.

1 So, I -- I see no advantage to a moratorium
2 whatsoever rather than possibly losing a source of
3 information.

4 MR. MAHFOOD: As many of you know, the Clean
5 Water Commission has proposed through a rule-making
6 process a two-year moratorium in order to look at
7 these issues, and although I have bits of agreement
8 with actually everybody here on the -- on the issue,
9 it does seem to me that the most important thing that
10 we face is the lack of information about what truly is
11 happening in Missouri.

12 And I -- I think this is extremely
13 important. It's not punitive against anybody who is
14 here. It allows us the time to do our homework and to
15 put science back into this process and to make good
16 information. And what we passed last night is the
17 first step in doing that, and with this kind of a
18 moratorium, it allows us to really take a look at how
19 practices are being done in Missouri.

20 I feel -- I, too, feel this is extremely
21 important. I don't like things being -- contrary to
22 what some of you may think, I don't like things being
23 punitive. I think this is something that enables us
24 to look at real-life situations.

25 SENATOR CHILDERS: Could I ask a question,

1 Steve?

2 Would -- if we used the word "moratorium" or

3 "temporary permit," would that give us the flexibility

4 to look at that both ways? If they came in and we

5 gave them a temporary permit, with the understanding

6 that we -- that it would not be guaranteed to be

7 permanent, would that help solve part of the problem?

8 MR. MAHFOOD: Senator, part of this, we

9 already have reopener clauses in the permits, and, if

10 I'm not mistaken, probably one year, or we can reopen

11 at any time?

12 We can reopen a permit if we have new

13 information or additional information.

14 SENATOR CHILDERS: So --

15 MR. MAHFOOD: I'm sorry.

16 SENATOR CHILDERS: No. That's okay.

17 So you're saying really that we already have

18 the temporary permit situation --

19 MR. MAHFOOD: Yeah.

20 SENATOR CHILDERS: -- in place now?

21 MR. MAHFOOD: Yes.

22 SENATOR CHILDERS: But it wasn't when the

23 original companies located here? But they do now come

24 under that also, so any new or existing company --

25 MR. MAHFOOD: Yes, that's right.

1 SENATOR CHILDERS: -- can be examined at
2 this time?

3 MR. MAHFOOD: If we found something out of
4 this process at the end of two or three years that the
5 things that everybody has been concerned with hasn't
6 happened and the moratorium is lifted and we move
7 ahead, that could happen, or after two years we find
8 that there is some serious degradation of watersheds
9 and there is problems that we haven't even thought of
10 here, we do have reopeners in these permits so we can
11 go back and examine other parts of this.

12 SENATOR CHILDERS: How do you respond to the
13 point about moving across the state lines? How do we
14 address that?

15 MR. MAHFOOD: Well, people in Arkansas have
16 said the same thing -- friends in Arkansas have said
17 the same thing to me, because they are working on some
18 of these same issues in Arkansas. Every state is
19 dealing with a lot of the -- of lot of these very same
20 things.

21 And all I can say is, I can only deal with
22 our state. I can't deal with Arkansas. They have
23 to -- they have to address their issues. But they
24 have the same concerns that if they do something
25 that's tough, then they're going to all run over

1 into -- you know, move in next to Thayer, and then --
2 it's the same issue for every state.

3 DR. WADE: Jay?

4 MR. LAW: I'm just wondering, the Clean
5 Water -- aren't they talking about a storm water
6 permit? Is that -- is that the vehicle, that you
7 either get a storm water permit or you don't get a
8 storm water permit?

9 MR. MAHFOOD: Uh-huh.

10 MR. LAW: But that really has to do with
11 what's around the facility, doesn't it?

12 MR. MAHFOOD: Yes.

13 MR. LAW: I mean, like, around the plant
14 facility.

15 MR. MAHFOOD: That's the current vehicle,
16 yes. But it also has an -- they have seen everything
17 that we've presented from the point of view of the
18 potential impacts of not using BMPs on large clear
19 cuts, and the impacts on water quality and riparian
20 issues that have come up in their evaluation of
21 things, like -- and I hate to go back to Funk's
22 Branch.

23 They may not have a -- they may not have a
24 great handle on how you manage that process, but it's
25 evident to them that that is a serious problem that

1 they don't really know how to address yet. That's why
2 they went to a moratorium, because we don't have all
3 of the answers for them. And that's why they felt
4 that they would rather not go any further with this
5 until they had better answers.

6 MR. LAW: I guess I -- you know, I think
7 there is a great deal of concern about it, but I
8 thought we were addressing some of the things already
9 where it's taking place. You know, if we're concerned
10 about that, as I mentioned, there is one 700 acres
11 that was done by saw mills, then we ought to pull the
12 storm water permits for those saw mills because they
13 did a bad thing. So I just don't understand the storm
14 water permit.

15 DR. WADE: Mark?

16 MR. GARNETT: First, I would like for
17 someone to explain to me what a high capacity chip
18 mill is so I would know what I'm voting to have a
19 moratorium on. And I've got a couple more points
20 after that.

21 I asked the fellows back there in the chip
22 mill industry what one was this morning and I asked
23 Mr. Midkiff as well, and no one could explain what it
24 was.

25 So, you know, before we -- before we vote, I

1 would kind of like to know what we're voting about. I
2 would sure hate to have this open to complete
3 interpretation by a number of people after the vote.
4 I don't know. What is it?
5 David, what is it?
6 MR. BEDAN: I think that's something that
7 would have to be defined by the Water Commission.
8 The figures that I've heard was 100,000 tons
9 capacity per year, not production, but capacity.
10 Production can go up and down, but maximum capacity.
11 I don't know whether that's the right term or not. I
12 think when you get in that you --
13 MR. SMITH: Well, I think that's --
14 DR. WADE: I think Bernie has a different
15 issue in response to that, and then we'll come back to
16 this.
17 Bernie?
18 DR. BERNIE LEWIS: I just wanted to comment.
19 I want to suggest -- this suggestion has been made
20 with respect to the draft report, that we get a handle
21 or define what we mean by "high capacity chip mill."
22 And, basically, what I had thought about doing was
23 recognizing that it's generally a relative term.
24 I mean, if we -- if in Missouri the average
25 saw mill may process -- and I'm not sure of this --

1 maybe it will range anywhere from 35,000 to 80,000
2 tons a year or less, somewhere in there, then a
3 facility that processes 200,000 to 300,000 is high
4 capacity relative to our industry.

5 In North Carolina client, high capacity --
6 some folks have said, you know, start looking at high
7 capacity up around a million a year. But relative to
8 what we're used to in Missouri, 200,000 is a lot,
9 quite a bit more. But it's not -- it's not, like,
10 there is a definition in a dictionary somewhere for
11 "high capacity chip mill."

12 DR. WADE: John?

13 MR. SMITH: Well, I -- I don't know. That
14 probably needs to be defined at some point, but it
15 wasn't -- it's not defined in the Governor's
16 proclamation.

17 We assume that there is two -- two of them
18 in the state. That's what we've been talking about
19 for a year and a half. I think that's sort of an
20 issue that will come, but I think we know what we're
21 talking about.

22 DR. WADE: Steve?

23 MR. MAHFOOD: That's all right. Mark was
24 going to --

25 DR. WADE: Go ahead, Mark.

1 MR. GARNETT: Back to Jay's comment
2 regarding to the Clean Water Commission, as I
3 understand the resolution, Jay -- and I don't want to
4 bring them into this. I'm against even talking about
5 them, but since they've already been talked about, I
6 want to kind of comment on that.

7 The way it's currently written, they are
8 encompassing all timber harvest in the state unless
9 it's changed, and that's basically what my concern is
10 with regard to what we're talking about now. If we're
11 not careful, then, we get everyone involved in this as
12 a result of the process.

13 So that's -- I'm -- you'll have to excuse me
14 if I'm very, very apprehensive over what we're talking
15 about as far as volume, okay, because I don't want
16 everyone included in what goes on. And we're letting
17 people basically make up definitions as we go along,
18 and I think that's -- that's a bad situation for us.

19 A couple of other points about high capacity
20 chip mills or basically any new industry coming in the
21 state. If we do moratoriums based on what somebody
22 might do, then there is no end to them. I mean, there
23 is absolutely no end to what can be stopped, and I
24 think that's a mistake.

25 I think if we're going to do this, what we

1 should do, basically, is not do a moratorium, but say
2 that we're completely in favor of a very intense
3 three-year study to determine whether these things are
4 detrimental or whether they are not, because what that
5 does is, it puts the people who are interested in
6 stopping them in a position where they have to move
7 things forward quickly to get their point across.

8 What I can see with this current situation,
9 the way it's written here, is that we have a
10 moratorium. It will go on for two years. It won't be
11 studied, and in two years we'll say, Gee, we just
12 don't have the information. Then we do it two more
13 years and three more years. That's a mistake, folks.
14 I mean, it's backwards thinking.

15 MS. FIREBAUGH: Getting back to the point
16 where -- this is basically a forest industry problem.
17 It is not a chip mill problem. And I'm telling you,
18 if you put a moratorium on chip mill companies --
19 Westvaco has already left our area -- then you're
20 closing up the marketplace, and you've got somebody
21 like me who has quit cutting for four years.
22 Gentlemen, I don't have three years to wait and decide
23 what you think that I should do in relationship to.

24 If you're not going to be there for me and
25 handle it as a forestry problem, I will be more than

1 happy to have somebody from Louisiana come in and cut,
2 or I'll cut myself and carry it 25 miles across the
3 river. It's not a problem to take it across the river
4 into another state.

5 It is a forestry problem. It's not a chip
6 mill problem. A moratorium won't stop me from cutting
7 and selling to a high capacity, medium, low or just my
8 next door neighbor's log yard.

9 MR. MAHFOOD: Emily, I think that's part of
10 the -- I think that's part of the -- again, I think we
11 can all take different views of the same issue, but I
12 think that's part of the issues, is to try to find
13 out, do you limit things to what we currently have,
14 because that's what this Committee -- unfortunately, I
15 know we got off in all different directions here, but
16 the Committee is charged with dealing with high
17 capacity chip mills.

18 Again, as Mark said, I think we probably
19 wrestle with that definition, because I had asked
20 what's a low capacity chip mill. Conversely, I don't
21 know when the bottom line starts.

22 But the moratorium was put on -- this is a
23 very special case, very special instances. This isn't
24 normal. We wouldn't be called together here if this
25 was a normal situation. It would have been handled by

1 the Clean Water Commission.

2 But there was a concern, and we're trying
3 not to be punitive, but I -- the thing I keep hearing
4 over and over again, like what we passed last night,
5 is we need better information for Missouri, not what's
6 happening in Tennessee or North Carolina or someplace
7 else. How is it impacting us here?

8 And if what you said in this process, we
9 find that, or as David said, everything is going to
10 Arkansas, and that's what's happened, well, that would
11 have to be -- I would assume that everybody would be
12 very interested in that information and they would
13 want to address it. But why would you make it more --
14 why would you make the problem bigger if we don't know
15 what the current issue is?

16 MS. FIREBAUGH: Okay. Here is the reason
17 why. I can't do sustainable harvesting if my
18 marketplace is locked up. I have a hard enough time
19 with the free marketplace out there anyway. But I
20 would have a hard time with sustainable forestry if I
21 only have one market to go to. I'm not going to get
22 the price that will allow me to stay in the business
23 as I am now.

24 DR. WADE: David?

25 MR. DAY: Again, Steve, I keep going back on

1 the gathering information. If you encourage the
2 timber to leave the state, which is what I think we'll
3 be doing with a moratorium, then you're definitely not
4 going to get that information, if it's going to
5 another state.

6 Also, your comment about why do we want to
7 make the problem bigger, I don't think that anyone has
8 proved that we've got a problem. I mean, there is a
9 lot of people that think we do.

10 But, again, going back to what Mark has
11 said, we're going to act to what could happen or what
12 could be, and that's doing away with an industry in
13 the state and doing away with markets for landowners,
14 and that, I'm totally against.

15 DR. WADE: New information on this
16 discussion? We're starting to repeat ourselves.

17 MR. LAW: The analogy is, you know, we have
18 too many deaths on the highway; air pollution is
19 caused by the autos out there. Then our solution is
20 that we don't allow any more auto plants to come into
21 Missouri. And that probably makes more sense health-
22 wise than anything related here.

23 But I -- I think we're trying to get to the
24 actual problem that people are concerned about. I
25 would like to offer a thing on the study, but you say

1 it's already covered under there?

2 DR. WADE: We're going to be dealing with

3 that this afternoon.

4 MR. LAW: Okay.

5 SENATOR GOODE: Let's vote.

6 DR. WADE: Chair?

7 MR. MAHFOOD: Ready for the vote?

8 DR. WADE: "A moratorium on issuing new

9 permits to high capacity chip mills until more hard

10 information is available on the environmental,

11 economic and social impact of their presence in the

12 Missouri Ozarks."

13 MS. WEISS: Conley?

14 MR. CONLEY: No.

15 MS. WEISS: Day?

16 MR. DAY: No.

17 MS. WEISS: Driskill?

18 MR. DRISKILL: Yes.

19 MS. WEISS: Firebaugh?

20 MS. FIREBAUGH: No.

21 MS. WEISS: Foster?

22 REPRESENTATIVE FOSTER: No.

23 MS. WEISS: Garnett?

24 MR. GARNETT: No.

25 MS. WEISS: Goode?

1 SENATOR GOODE: Yes.
2 MS. WEISS: Law?
3 MR. LAW: No.
4 MS. WEISS: Mahfood?
5 MR. MAHFOOD: Yes.
6 MS. WEISS: Saunders?
7 MR. SAUNDERS: Yes.
8 MS. WEISS: Smith?
9 MR. SMITH: Yes.
10 MS. WEISS: Bedan?
11 MR. BEDAN: Yes.
12 MS. WEISS: Childers?
13 SENATOR CHILDERS: No.
14 MS. WEISS: Six yes; seven no.
15 DR. WADE: Steve?
16 MR. MAHFOOD: Joe, I'm going to -- I know
17 you have to leave. Do you have an issue that you
18 needed to bring up?
19 MR. DRISKILL: I'm prepared to stay for a
20 little while longer. I know we have some things we
21 have to get through, so I'll stay long enough.
22 MR. MAHFOOD: Okay. We're ready to --
23 that's my point. We're ready to go ahead and do that
24 right now, if you've got something that you want to
25 address.

1 MR. DRISKILL: As Jay and I spoke earlier,
2 the issue we dealt with last night on best management
3 practices that we adopted -- I don't know the number
4 on it, but we adopted it last night after having
5 amended it a great deal.

6 After further reflection, it bothered me a
7 little bit in that as I read the language after I got
8 out of here last night I think I voted for something
9 different than what I understood the language to be.

10 If you will recall last night, we
11 essentially said use of best management practices
12 would be voluntary except in cases where there was 41
13 acres of land involved -- 40 or more acres of land
14 involved where, in fact, 50 percent or more of the
15 forest cover was affected.

16 The question that occurred to me last night
17 was, were we trying to get at those 40-acre-and-above
18 plots of land that were contiguous together where, in
19 fact, we see good evidence of the fact that
20 clear-cutting or some cutting practice that is
21 possibly questionable, in fact, is degrading the land,
22 degrading the streams because of erosion and those
23 sorts of things, or were we, in fact, contemplating
24 the use of this language on, let's say, a thousand
25 acres of land that one landowner might use and to be

1 selectively cutting timber on that thousand acres, and
2 then in some way try to calculate whether or not 40
3 acres or more were affected or 50 percent or more of
4 the forest -- or more of the forest cover was actually
5 removed from that land.

6 The best example I know about is a relative
7 of mine recently, on about a thousand-acre piece of
8 property, selectively cut timber from fence rows and
9 one- and two-acre plots of land within that ranch.
10 Essentially, it's a ranch. It wasn't forest land, but
11 may, in fact, come under this particular provision as
12 I see it written.

13 That was not my intention last night in
14 having voted for this. It was my intention to get at
15 those plots of contiguous land where timber was cut.
16 And I wanted to bring this back up in that I think
17 it, like the last issue that we dealt with here, is
18 really a core, central issue for us.

19 I talked to a number of you around the table
20 before -- before we started the meeting today, and I
21 think there is maybe some agreement that we should
22 talk about it.

23 And, Dave, I know that one of our ground
24 rules is we don't bring issues back up, but I think
25 I'm going to make a motion, since I voted on the

1 prevailing side, that the vote by which we adopted the
2 best management practices issue proposed by Jay be
3 reconsidered and brought back before us.

4 MR. GARNETT: Second.

5 DR. WADE: Discussion on the motion?

6 MS. FIREBAUGH: What are we going to do when
7 Joe leaves and maybe David Bedan brings it up this
8 afternoon to bring it up to revote it?

9 MR. LAW: As the author of this, could I
10 bring up the point that I think what we are agreeable
11 on is that more than 40 continuous -- contiguous --
12 contiguous acres.

13 As an author with a second on that, could
14 that be a word amendment without bringing it back to
15 the table?

16 SENATOR CHILDERS: The thing that worries
17 me, and I think that's what Joe is saying, you might
18 only have five acres, as I read it, if you read it
19 legally, if you had five acres of timber on that
20 40 acres, and you cut two and a half of it, you
21 actually are in violation. You would have to go get a
22 permit, because it doesn't say 40 acres of timber. It
23 says one-half of the timber cover on 40 acres.

24 If it's pasture land or something and you
25 have one little stand of timber on there, and you cut

1 half of that, you've actually -- you would have to go
2 get a permit for it. So I think there is a wording
3 change that needs to be made on it.

4 MR. LAW: For 40-acres as far as land.

5 SENATOR CHILDERS: Of the timber cover, it
6 says.

7 SENATOR GOODE: Let me say this: I'm going
8 to leave. I want to say one point on this before I
9 leave.

10 You know, I tried to figure out the problem
11 you have when we were going through this last night.
12 I thought about some suggestions. I don't think there
13 is any way you can, without getting into more detail,
14 answer all of these issues.

15 I don't have an objection to bringing it
16 back up because some people are uncomfortable with it.
17 I think the solution, though, is to make it more
18 vague.

19 I think, basically -- and correct me if I'm
20 wrong -- what you're trying to say is if you're
21 thinning your timber to a degree more -- where you're
22 removing more than 50 percent of it, you need to use
23 best management practices. And I think most everybody
24 pretty much agrees with that.

25 But if you start getting into the number of

1 acres and whether it's contiguous or not, I don't
2 think -- every time you change it, you're going to
3 open up a new problem. So I think the way to correct
4 it is to, you know, basically say something along that
5 line, leave it intentionally vague, and let whoever is
6 dealing with the details in the future solve the
7 problem, because the more detailed you get on this
8 one, the deeper you're going to get.

9 And with that advice, I'm leaving. You can
10 solve the problem.

11 MR. BEDAN: I agree with Wayne, because I
12 had some problems, too, about this wording, some
13 different issues that I would bring up. And if we
14 start doing that, we're going to end up doing the work
15 of the Clean Water Commission and the Attorney General
16 for drafting the details.

17 So I will -- I would argue that we should
18 stick to our rule about not reconsidering, realizing
19 it's not perfect.

20 And, you know, Joe, I sympathize with your
21 concern. I see that as a real concern, but I have
22 confidence that the Clean Water Commission is not
23 going to write a rule in such a way that somebody
24 removing a few trees on a fence line is going to be
25 caught in this.

1 MR. DRISKILL: Well, if I may a second time
2 on my motion, I sympathize also with what you say, but
3 the details are in here already. You say adding
4 details are -- is a bad thing to do. We already have
5 details here. The details are 50 percent or more on
6 more than 40 acres. That is -- that's some detail.

7 I don't have a problem with changing that to
8 be a lot more vague, but I offered some further
9 defining comment that I thought would help the detail
10 that's already here. And, quite frankly, I just
11 disagree on that issue. I would not have voted the
12 way I did had I understood it would be this way.

13 MR. BEDAN: I know what you're intending by
14 saying continuous, but then you get a reverse problem
15 where you have a thousand acres and you chop it up
16 into 40-acre clear-cuts with little strips between it.
17 Now, is it contiguous or not? I think that's --
18 that's -- that issue also has to be dealt with in the
19 rules.

20 MR. LAW: I think --

21 DR. WADE: Steve?

22 MR. MAHFOOD: I don't know how -- you start
23 getting into the -- into the -- into the
24 reconsideration of this. I could see us going
25 on . . .

1 Joe, let me ask you, is there something that
2 you wanted to -- that you thought that could be added
3 to this as opposed to going back and deleting language
4 that's currently in there.

5 MR. DRISKILL: I was going to add one word.
6 I'll get to that motion here in a few moments if
7 you'll vote on my motion to reconsider --

8 MR. MAHFOOD: Okay.

9 MR. DRISKILL: -- and pass it. But it would
10 be my motion to add one word only.

11 MR. MAHFOOD: Can I ask you what that would
12 be and where it would be?

13 MR. DRISKILL: The word is contiguous
14 related to the 40 acres.

15 MR. MAHFOOD: And then you get in -- the
16 only thing I would say is -- what I was trying to
17 think of the issue that Dave brought up, is one that's
18 very commonly difficult to address, so then you have
19 to -- you'll have to wind up going back in and dealing
20 with that language also.

21 DR. WADE: Jay?

22 MR. LAW: I -- I don't have a problem with
23 the word, but I think we've done what we did. I think
24 that, you know, in part of that I mentioned something
25 about this forest council being the one to develop

1 administrative procedures on it.

2 I assume all we do is make a recommendation
3 here that, this goes to a legislative body, and that
4 they will work on it, and there will be committee
5 hearings and all sorts of things. We're not making
6 law by this. They can choose not to even recognize
7 this, I assume. Is that the way it is? I don't know.
8 Somebody is going to have --

9 MR. DRISKILL: If I may, again, that would
10 apply to any and everything we have done here, so if
11 we're going to be held to that standard, why would we
12 quibble about the number of words that we have spent
13 hours on here. I think we ought to try to get it
14 right.

15 MR. LAW: I don't have a problem with the
16 word, but the process is what I don't want to
17 compromise.

18 MR. CONLEY: All I can say is that when I
19 voted last night I clearly was thinking contiguous, so
20 I would not have voted either for this. If you had
21 been talking about little patches everywhere over an
22 800-acre area, you know, I think we -- I thought most
23 of us were thinking contiguous.

24 MR. LAW: That's what we thought. I just
25 didn't put the word in.

1 MR. CONLEY: Yeah. It just seems reasonable
2 to put the word back in in the legal way -- in the
3 process way we've got to do it, so I would support the
4 motion to reconsider.

5 DR. WADE: Joe?

6 MR. MAHFOOD: Do you want to have the --
7 have the vote on the motion to reconsider.

8 We did have a second?

9 MR. GARNETT: I seconded.

10 MR. MAHFOOD: There was a second.

11 MR. BEDAN: One point of order, are we --
12 are we voting to temporarily suspend Rule No. 5,
13 Ground Rule No. 5?

14 DR. WADE: It has that effect.

15 MR. MAHFOOD: That's what we're doing. We
16 are -- the decision-making ground rules that we
17 established, we are talking about suspending Rule
18 No. 5 so that this can be addressed further. That's
19 what we're doing.

20 DR. WADE: To consider adding the word
21 "contiguous."

22 MR. BRYAN: I might call for a legal
23 observation to the word "contiguous" as it develops
24 here. Historically, in Missouri we have had serious
25 problems with regulation and attempts to regulate

1 industries when you have "contiguous" as part of a
2 definition of an operating location or a parcel of
3 land in how regulations are going to apply.

4 The specific example that comes to mind has
5 to do with Murphy Farms down in southwest Missouri.
6 Depending on how many animals you have on your farm,
7 you're subject to a different degree of regulation.
8 The more animals you have, the more stringent the
9 regulations to protect the environment.

10 Murphy dissected their property to avoid the
11 word "contiguous" in the regulation and called it
12 Quarter M Farms so that they would be subject to a
13 lesser degree of scrutiny. And it required us to
14 threaten them with a lawsuit before they entered into
15 a settlement agreement to disband the Quarter M Farms
16 designation.

17 So it has caused problems in other areas of
18 regulation. I just wanted to bring that to your
19 attention before you vote on that. Thank you.

20 MR. MAHFOOD: Okay, Llona.

21 MS. WEISS: This on a motion to suspend Rule
22 No. 5?

23 MR. MAHFOOD: Yes.

24 MS. WEISS: Day?

25 MR. DAY: Yes.

1 MS. WEISS: Driskill?
2 MR. DRISKILL: Yes.
3 MS. WEISS: Firebaugh?
4 MS. FIREBAUGH: No.
5 MS. WEISS: Foster?
6 REPRESENTATIVE FOSTER: Yes.
7 MS. WEISS: Garnett?
8 MR. GARNETT: Yes.
9 MS. WEISS: Goode?
10 (No response.)
11 MS. WEISS: Law?
12 MR. LAW: No.
13 MS. WEISS: Mahfood?
14 MR. MAHFOOD: No.
15 MS. WEISS: Saunders?
16 MR. SAUNDERS: Yes.
17 MS. WEISS: Smith?
18 MR. SMITH: No.
19 MS. WEISS: Bedan?
20 MR. BEDAN: No.
21 MS. WEISS: Childers?
22 SENATOR CHILDERS: Yes.
23 MS. WEISS: Conley?
24 MR. CONLEY: Yes.
25 MS. WEISS: Seven yes; five no.

1 DR. WADE: Do you wish to make your motion
2 now?

3 MR. DRISKILL: My motion is to add the
4 word -- with all due respect to the counsel in the
5 corner, is to add the word "contiguous," on no more
6 than 40 contiguous acres of forest land in the Ozark
7 region.

8 MR. GARNETT: Second.

9 MR. DRISKILL: It is an operative paragraph.

10 DR. WADE: Paragraph 3, the last line in
11 Paragraph 3.

12 MR. MAHFOOD: Okay. There has been a --

13 MR. BEDAN: I would like to amend that
14 motion, then, with some kind of language that says
15 that you cannot subdivide a tract into cuts in
16 order -- I don't know the proper wording here, but
17 somehow -- in order to avoid regulation by the word
18 "contiguous."

19 MR. DRISKILL: I might be amenable to that
20 if you could figure out what that is.

21 MR. BEDAN: I don't know how to word it.
22 Maybe Bill can help me.

23 MS. FIREBAUGH: If I pay for a survey and
24 have a deed rewritten, you can't stop me from
25 subdividing. I mean, you're really infringing on my

1 private property rights. If I want to pay the expense
2 and divvy up my land, contiguous or not, it's mine.

3 MR. DAY: I think from what Bill said about
4 that the Murphy brothers had reached an agreement
5 shows that they could probably take care of that
6 problem. It's a hassle, but the wording we have
7 presently is wrong also. I think by the fact that
8 they reached a settlement means that they were able to
9 handle the problem.

10 MR. BEDAN: Could I ask Bernie, you may know
11 this. I believe there is something on this issue in
12 another state. I'm not sure which one it is, but they
13 talk about -- because they had to deal with the same
14 issue, and they talked about if a certain percentage
15 of a tract of land is cut, it falls under the rules in
16 order to keep someone from chopping it up into little
17 pieces and calling them secondary cuts.

18 Do you recall something like that in one of
19 the summaries of state laws?

20 DR. BERNIE LEWIS: Only in a vague sense but
21 not the specifics. I believe -- I believe some states
22 do in some of their regs refer to a certain percentage
23 of a tract, but I don't know.

24 MR. BEDAN: Somehow Massachusetts sticks in
25 my mind, but I'm not sure about that.

1 DR. BERNIE LEWIS: I'm sorry.

2 MS. FIREBAUGH: What are you going to do

3 with somebody like me that owns 1,300 contiguous, and

4 I go in there and subdivide and say it's a real estate

5 development? What are you going to do with me? I can

6 cut them all down and leave one oak tree and call it

7 Lone Oak Development.

8 DR. WADE: Steve?

9 MR. MAHFOOD: I was just going to --

10 MS. FIREBAUGH: I can put trailers on it,

11 houses, whatever I want to.

12 MR. MAHFOOD: It just appears to me --

13 nobody is telling you you can't do anything. What

14 this is saying is that you need to use best management

15 practices. It's not a matter of you can't use your

16 land for a certain purpose or otherwise.

17 This whole -- this whole piece was geared

18 towards using the best management practices when you

19 do whatever you do with your private land. I mean,

20 that's what -- that's what -- again, that's what I

21 thought I was voting on. I wasn't voting on telling

22 somebody how they can use their land. I wouldn't -- I

23 wouldn't go there.

24 DR. WADE: Doyle?

25 SENATOR CHILDERS: You know, the reason I

1 voted against the whole idea was that it was a step
2 from saying that the State of Missouri can tell you
3 because they don't issue the permit, or incrementally
4 a step, once we authorize the use of permits to have
5 best management practices, it's a very small step to
6 say You can't use this land without the permit, and so
7 it does change the whole atmosphere of land use for
8 small landowners in the state. I mean, whether good
9 or bad, it's just a change in philosophy of government
10 on that.

11 But this does make it more palatable in the
12 sense that it would probably eliminate some small cuts
13 from being -- from causing you to have to go get that
14 permit originally.

15 DR. WADE: David?

16 MR. DAY: Just a thought, Steve. You say
17 you wouldn't tell someone how they can use their land,
18 but that's exactly what this does. You're saying you
19 have to have a permit if you're going do this.

20 I think we're seeing a lot of the problems
21 from trying to tell someone how to manage private
22 property. It's trying to define it, and you're not
23 going to close all of the loopholes. There is a
24 million examples you can point to in other instances
25 for that. And I think we're seeing a problem with

1 trying to dictate to people how you use your land.

2 And I always have contended that I've got a

3 permit, and I call it a deed, is my thought.

4 MS. FIREBAUGH: Good point.

5 DR. WADE: Joe?

6 MR. CONLEY: Well, the only point is that

7 whether you're in favor or opposed to the motion we

8 made last night, I thought we all agreed that this

9 makes it a little bit better. That's all this does,

10 is just -- even if you think it's a bad motion, this

11 makes a bad motion a little bit better.

12 MR. DRISKILL: I would like to have the

13 question put before us.

14 MR. MAHFOOD: Okay.

15 MR. DRISKILL: I think we've been around

16 this several times, and I would like to call the

17 question, if we could.

18 MR. MAHFOOD: Okay. Let's call the roll.

19 Can you summarize it, again, Jerry so

20 everybody knows?

21 DR. WADE: Yes. The third paragraph if the

22 motion passes will now read, "The use of best

23 management practices is voluntary except when an

24 owner, trustee, timber deed holder or assignee plans

25 to remove 50 percent or more of forest cover on more

1 than 40 contiguous acres of forest land in a year
2 within the Ozark regions."
3 MR. MAHFOOD: Okay.
4 MS. WEISS: Driskill?
5 MR. DRISKILL: Yes.
6 MS. WEISS: Firebaugh?
7 MS. FIREBAUGH: No.
8 MS. WEISS: Foster?
9 REPRESENTATIVE FOSTER: Yes.
10 MS. WEISS: Garnett?
11 MR. GARNETT: Yes.
12 MS. WEISS: Goode?
13 (No response.)
14 MS. WEISS: Law?
15 MR. LAW: Yes.
16 MS. WEISS: Mahfood?
17 MR. MAHFOOD: No.
18 MS. WEISS: Saunders?
19 MR. SAUNDERS: Yes.
20 MS. WEISS: Smith?
21 MR. SMITH: Yes.
22 MS. WEISS: Bedan?
23 MR. BEDAN: No.
24 MS. WEISS: Childers?
25 SENATOR CHILDERS: Yes.

1 MS. WEISS: Conley?
2 MR. CONLEY: Yes.
3 MS. WEISS: Day?
4 MR. DAY: Yes.
5 MS. WEISS: Nine yes --
6 MR. GARNETT: Mr. Chairman --
7 MS. WEISS: -- three noes.
8 MR. GARNETT: -- a question regarding what
9 we just voted upon.
10 Did we vote upon an amendment? Was that the
11 original motion?
12 DR. WADE: You added the word "contiguous"
13 to the original motion.
14 MR. GARNETT: Okay. So that did not imply
15 that we were in favor of the motion before; is that
16 correct?
17 DR. WADE: No.
18 MR. GARNETT: Okay.
19 MR. DRISKILL: Now, Mr. Chairman, I would
20 like to move that we adopt the best management
21 practices issue as we have just amended it, because
22 it's still on the table in front of us, and that we
23 approve it.
24 MR. LAW: Second.
25 MR. BEDAN: I thought we just did.

1 MR. MAHFOOD: Excuse me. Point of order.
2 That was the -- we voted to add contiguous to --
3 MR. DRISKILL: We have the issue --
4 actually, if we're going to pay attention to
5 parliamentary procedure, it is actually before us and
6 we have to vote on it again.
7 MR. DAY: We have to vote on the package as
8 a whole.
9 MR. BRYAN: I suggest you do.
10 DR. WADE: We have a motion and a second.
11 MR. LAW: Call for question.
12 DR. WADE: Roll?
13 MS. WEISS: Firebaugh?
14 MS. FIREBAUGH: No.
15 MS. WEISS: Foster?
16 REPRESENTATIVE FOSTER: No.
17 MS. WEISS: Garnett?
18 MR. GARNETT: No.
19 MS. WEISS: Goode?
20 (No response.)
21 MS. WEISS: Law?
22 MR. LAW: Yes.
23 MS. WEISS: Mahfood?
24 MR. MAHFOOD: Yes.
25 MS. WEISS: Saunders?

1 MR. SAUNDERS: Yes.
2 MS. WEISS: Smith?
3 MR. SMITH: Yes.
4 MS. WEISS: Bedan?
5 MR. BEDAN: Yes.
6 MS. WEISS: Childers?
7 SENATOR CHILDERS: No.
8 MS. WEISS: Conley?
9 MR. CONLEY: Yes.
10 MS. WEISS: Day?
11 MR. DAY: No.
12 MS. WEISS: Driskill?
13 MR. DRISKILL: Yes.
14 MS. WEISS: Seven yes; five no.
15 DR. WADE: It's 12:30. Let's have -- how
16 long do we want to do lunch? Can we do a working
17 lunch?
18 MR. MAHFOOD: 1:00.
19 MR. LAW: Is the -- are we still suspending
20 five?
21 DR. WADE: That was only for this issue.
22 MR. LAW: Okay.
23 MR. SMITH: That was my question, too.
24 DR. WADE: The suspension was a temporary
25 suspension for this question.

1 MS. FIREBAUGH: That's not what he said
2 awhile ago.

3 DR. WADE: That's what -- that's what the
4 motion was.

5 MR. DAY: You said the motion would result
6 in --

7 DR. WADE: A temporary suspension of five
8 for this motion.

9 MR. DAY: The motion to reconsider would
10 result in a temporary suspension of five, and
11 "temporary" meaning it should be over.

12 DR. WADE: -- of this issue.

13 MS. FIREBAUGH: I understood that it would
14 go away with the rule completely.

15 MR. DRISKILL: Mr. Chairman, if I may,
16 Robert's Rules of Order provide that a motion can be
17 reconsidered within a time certain, and, in fact, that
18 was what my motion was. I assumed that would be in
19 order at any time on any issue and that would be
20 subject to a vote.

21 DR. WADE: Let's us get lunch and bring it
22 back in.

23 (A RECESS WAS TAKEN.)

24 DR. WADE: We have a couple more items that
25 have a fairly high level of non-- of disagreement, but

1 I'd just like to go ahead and get them off the wall,
2 (B) and (D).
3 (D) may be something that we've already
4 dealt with in the BMP one. I think the Committee is
5 going to have to make a decision on what it does about
6 (B) and (D).
7 Why don't we start with (B)? "Companies
8 should be assessed fees based on the amount of
9 degradation their actions have caused. The resulting
10 fund would then be used for a combination of
11 education, incentive regulation and monitoring."
12 Yes.
13 SENATOR CHILDERS: One thought on it,
14 instead of saying "companies," I think it should be
15 the landowner or the operator or the harvesting
16 entity, or whatever the term would be. To just say
17 "company," it might be an individual doing -- I mean,
18 that rather than --
19 MR. BRYAN: Responsible parties.
20 SENATOR CHILDERS: The responsible party.
21 DR. WADE: Responsible parties.
22 MR. DAY: Who are we talking about deciding
23 how much damage is done?
24 DR. WADE: I think David asked a question.
25 Could someone on the Committee address that?

1 MR. GARNETT: Director Mahfood, how does
2 this work now?

3 MR. MAHFOOD: Well, when you come into a --
4 it actually gets very complicated, because we have a
5 process of conferencing and conciliating with people
6 ahead of time before you think about doing fines and
7 fees, and you'd have various penalties, administrative
8 penalties in some cases.

9 When you get down to the bottom line, if you
10 have a -- an environmental issue that was unresolved
11 over what usually amounts to months and months of
12 negotiation and discussion, there is actually a matrix
13 that's used, and if we don't use it, then somebody
14 else usually under a federal law will use it. So we
15 use that matrix as a basis for decision-making so it's
16 as objective as it can possibly be.

17 But that's so broad. I mean, we have such
18 a -- a large level of responsibility when it comes
19 to -- to -- whether it be an administrative penalty or
20 a fine, or something to that degree, that it's -- it's
21 been through so many years of process and hearings,
22 and any time we do something like that, we take it
23 very seriously. It's a pretty big deal and gets up to
24 the highest level.

25 So this is something that's very broad. I

1 don't know how you -- I don't know how you focus it
2 in.

3 DR. WADE: Further discussion on this item?
4 David?

5 MR. BEDAN: I know this is not the same
6 issue, but, Steve, to what degree do you think we've
7 addressed that in the BMPs recommendation? The
8 difference here is you have to prove environmental
9 degradation. The BMP is you just have to show that
10 you use BMPs.

11 MR. MAHFOOD: In many respects, we already
12 have this responsibility. If there is environmental
13 degradation under the current law, then things would
14 happen. But I'll tell you, most of those fines
15 normally go to the education funds in those counties,
16 or -- it's pretty much a direct kind of thing. The
17 fees don't come back to the DNR, as a lot of people
18 think they do. They go to the education fund.

19 So part of this -- I guess I -- I'm thinking
20 this -- when this says "education, incentives,
21 regulation and monitoring," this all has to do with
22 the, I assume, chip mill companies. Again, I'm taking
23 the assumption, and we said "companies," we meant --
24 even though I don't know what we corrected that to,
25 because I can't read that --

1 DR. WADE: Responsible parties.

2 MR. MAHFOOD: Okay.

3 MR. BEDAN: So the only thing new in this

4 from the current situation is instead of it going to

5 the local school district, it would go to a fund for

6 education related to timber harvest.

7 MR. MAHFOOD: Uh-huh.

8 MS. FIREBAUGH: Why couldn't we make it

9 stronger and say, you know, a fine instead of assessed

10 a fee.

11 MR. MAHFOOD: In reality, that's what it

12 would be.

13 MR. SAUNDERS: That's what it is now, isn't

14 it?

15 MR. MAHFOOD: That's what it would be. Fees

16 are what we would charge. We have -- for doing a

17 permit or enforcement monitoring. We have certain

18 fees that we do charge as it is now, and that's

19 different than something punitive. And I see this as

20 being, something bad happens, and then we --

21 DR. WADE: That should be changed to "fine"

22 to reflect the reality of what we're talking about

23 here.

24 MR. MAHFOOD: If that's what the

25 authorship --

1 MS. FIREBAUGH: I mean, if we're going to do
2 it, let's put some teeth in it.

3 DR. WADE: Okay. Further discussion?

4 MR. LAW: Where -- this is under Sustainable
5 Forest and Resource?

6 DR. WADE: No.

7 MR. LAW: What is this for?

8 DR. WADE: This is another recommendation.
9 It's one of the two remaining -- in fact, it was under
10 Pollution Reduction.

11 MR. LAW: It seems like an open-ended thing.

12 MR. DAY: So, Steve, am I to assume from
13 your comments whenever I ask who would be in charge of
14 finding out how much damage was done, that that would
15 be DNR?

16 MR. MAHFOOD: I can't -- from this, I have
17 no idea what was -- it's very hard for us to do things
18 on our own, you know. When we have serious damages,
19 for example, when we have a fish kill, we work with
20 MDC to do that, and it --

21 MR. DAY: I didn't know from what you were
22 saying if that was a right assumption or not.

23 MR. MAHFOOD: There can't -- David,
24 sometimes, yes.

25 MR. DAY: Okay.

1 MR. MAHFOOD: And sometimes it's multiple
2 agencies involved.
3 DR. WADE: Chair?
4 MR. MAHFOOD: You may read it.
5 DR. WADE: "Responsible parties should be
6 fined based on the environmental degradation their
7 actions have caused. The resulting fund would then be
8 used for a combination of education, incentive,
9 regulation and monitoring."
10 MR. MAHFOOD: Are we ready for the question
11 on this?
12 DR. WADE: Yes.
13 MR. MAHFOOD: Llona?
14 MS. WEISS: Foster?
15 REPRESENTATIVE FOSTER: Yes.
16 MS. WEISS: Garnett?
17 MR. GARNETT: No.
18 MS. WEISS: Goode?
19 (No response.)
20 MS. WEISS: Law?
21 MR. LAW: No.
22 MS. WEISS: Mahfood?
23 MR. MAHFOOD: Yes.
24 MS. WEISS: Saunders?
25 MR. SAUNDERS: Yes.

1 MS. WEISS: Smith?
2 MR. SMITH: Yes.
3 MS. WEISS: Bedan?
4 MR. BEDAN: Yes.
5 MS. WEISS: Childers?
6 SENATOR CHILDERS: Yes.
7 MS. WEISS: Conley?
8 MR. CONLEY: Yes.
9 MS. WEISS: Day?
10 MR. DAY: No.
11 MS. WEISS: I'm sorry?
12 MR. DAY: No.
13 MS. WEISS: Firebaugh?
14 MS. FIREBAUGH: Yes.
15 MS. WEISS: Eight yes; three no.
16 DR. WADE: "A system of prenotification of
17 harvesting could be developed as a means to trigger
18 information dissemination to landowners. This could
19 be a general requirement for all forest landowners."
20 David?
21 MR. BEDAN: I would like to propose an
22 amendment following some of the discussions we had at
23 earlier meetings. Instead of making this a
24 requirement for landowners, make it a requirement for
25 whoever is doing the harvesting.

1 MS. ALICE GELLER: So how would you say
2 that?

3 MR. BEDAN: This would be a requirement --
4 how about a system of prenotification of harvest by
5 loggers -- and you could drop the "could," "could
6 be" -- should be developed as a means to trigger
7 information dissemination to landowners, and then drop
8 the rest.

9 DR. WADE: That eliminates the last
10 sentence.

11 MR. MAHFOOD: Would you read that again?
12 I'm sorry.

13 MR. BEDAN: Well, it would read, "A system
14 of prenotification of harvesting by loggers should be
15 developed as a means to trigger information
16 dissemination to landowners, period." In other words,
17 making it the responsibility of loggers rather than a
18 landowner.

19 MR. DAY: I thought we'd kind of addressed
20 this with the BMPs thing. I mean, if you're going to
21 do a timber harvest that is of any size, then there is
22 already a permit process so all of your neighbors can
23 come and visit with you about what you're doing to the
24 land. I don't think we need this. They're actually
25 going to be possibly, more than likely, reporting the

1 same harvest twice. I guess that way you don't miss
2 anyone, though.

3 DR. WADE: Doyle?

4 SENATOR CHILDERS: It doesn't state who the
5 prenotification is -- a system of prenotification to
6 whom?

7 DR. WADE: Would someone like to answer that
8 question?

9 MR. CONLEY: Economic Development.

10 MR. MAHFOOD: We've got a solution.
11 Economic Development.

12 MR. DAY: They're gone. Teach him to leave.

13 MR. MAHFOOD: That's real good, Jerry.

14 MR. SMITH: Wasn't this something that you
15 had -- the Department had asked for?

16 MR. CONLEY: Uh-huh. Yeah. Really, the --
17 you know, under the right circumstances, the -- and
18 we're talking in general terms here, the idea of some
19 prenotification of harvesting to the Department gives
20 us -- all it does is -- it doesn't stop it. It
21 doesn't put any restrictions on it.

22 It just simply gives the opportunity to give
23 the guy a brochure, tell him about the value of
24 timber. If he doesn't want to listen to it, that's
25 it. That's all that was really intended in the

1 original thing we discussed.

2 DR. WADE: So you're saying that

3 prenotification is to the MDC?

4 MR. CONLEY: Yeah.

5 MR. DAY: Again, I guess I want a

6 clarification from someone. Isn't this pretty well

7 addressed in what we did earlier? If you have to have

8 a permit, the permit -- you're notifying someone to

9 get a permit, I would assume.

10 DR. WADE: Okay.

11 MR. LAW: Well, the permit that we've talked

12 about, the harvesting permit, is only if you're going

13 to cut more than 40 continuous acres of, or remove

14 50 percent. That is a relatively small thing out

15 there. I think this applies to anybody, and it

16 applies to all of the people involved in logging. Is

17 that right?

18 MR. SMITH: That's --

19 MR. MAHFOOD: Yeah.

20 MR. LAW: There would be notification of all

21 logging.

22 MR. CONLEY: Well, again, it would be for

23 commercial sale. I mean, this is --

24 SENATOR CHILDERS: I really have a little

25 bit of worry about that because I can think of a lot

1 of small owners out there that if they have to do
2 this, they are probably not going to be too positive.

3 And the one thing we get into from a
4 standpoint of what's easily done and what can be done
5 is one thing, but when we think about all of these
6 landowners that are also paying the sales tax and
7 supporting all of those programs, I suspect that they
8 are not really too happy with that. I think --
9 it's -- I think what we'll do is end up making a
10 number of supporters of good practices so unhappy that
11 we may end up shooting ourselves in the foot by doing
12 it, so that's just my thought on it.

13 DR. WADE: Does this need to say "commercial
14 harvesting"?

15 MR. CONLEY: Uh-huh.

16 SENATOR CHILDERS: We've got it a little bit
17 up here with that --

18 DR. WADE: So is there further discussion on
19 this?

20 Let me --

21 MR. SMITH: Let me -- would it be better to
22 put a minimum acreage on there so we don't bother the
23 small -- or above 40 acres or --

24 MR. DAY: But, again, we already have that.

25 MR. SMITH: No. The other one is clear-cut,

1 David. That --

2 MR. DAY: Or 50 percent or 40 acres or more,
3 and I was led from the discussion we had to believe
4 that that's where the majority of the problem is.

5 MR. LAW: That's the problem acreage, yeah.

6 MR. SMITH: That's the -- that's the worst
7 of it. But we would like to get -- the Conservation
8 Commission would like to get information in these
9 people's hands about managing timber and the
10 educational process and that sort of thing, to the
11 people who are cutting these -- cutting trees.

12 MR. LAW: Well, I hope in here someplace
13 we're going to amass some sort of support for
14 certification of loggers and training and perhaps even
15 licensing or registration, and those are the same
16 people that are going to end up doing this. They
17 should, through their training program, have learned
18 about best management practices, had that brochure.

19 They may never give it to the landowner,
20 but, I mean, that is kind of what the logger was
21 supposed to -- in the future, was supposed to be up to
22 speed on.

23 SENATOR CHILDERS: If I could make one more
24 comment, if no one else has a thought, the thing I'm
25 looking at on here is if you have the loggers doing

1 it, the logger doesn't have the same responsibility
2 that a -- that a forester does to inform. If that
3 logger can go in and buy that timber cheap enough,
4 they really have no responsibility to give them that
5 information saying, You can get more money over here,
6 or, You can get more over there, where the forester
7 does have that responsibility, a fiduciary
8 responsibility to whoever hires him.

9 So it looks to me, how do you get the
10 information from, say, the Department saying, Here are
11 the options, to that person. The logger probably
12 isn't the person to do it, but how do you get it to
13 them without mandating something that's going to make
14 them so mad they're not going to want it and they're
15 going to trash it the minute they get it anyway?

16 MR. CONLEY: Well, there's a couple of
17 things involved. Other states have done it. You
18 know, I don't know who -- Mike or Bob could elaborate
19 a bit on that, but it seems that it has worked rather
20 well. We have talked to other states that have been
21 into it.

22 They found out that the landowner has been
23 real appreciative of knowing what the price of timber
24 is. And we've ran into all kinds of problems here
25 with landowners being ripped off royally because they

1 don't understand the value of timber.

2 And for everybody that -- I think they might
3 complain about the fact that there is -- you know, I
4 had to go to a little more trouble to notify the State
5 I was going to do this, it seemed to be balanced out
6 by the fact that they got a lot of good information,
7 made good contacts.

8 We saw -- when we first got started trying
9 to figure out what could be done, we saw it as the
10 least intrusive thing that you could do if you were
11 going to try to get the word out to people that they
12 really ought to be using a professional logger and
13 not -- and don't sell the chip mills the wrong kind of
14 material and all of the other things, so it became
15 kind of an integral part of the approach to try to
16 educate the landowner.

17 DR. WADE: David?

18 MR. DAY: It seems to me that there needs to
19 be a way that the landowners could be more receptive
20 in requiring them to let you know when they're going
21 to use their land, to get that information to them,
22 because I -- I agree with Senator Childers. I think a
23 lot of folks are going to get pretty upset.

24 You can hand them whatever you want. They
25 are going to throw it in the trash because they are

1 mad because you're wanting to know what they're doing,
2 and it's none of your business, in their opinion. And
3 I would think through some folks out in the field
4 and -- I think the information needs to get to them.
5 I just think that's the wrong avenue.

6 DR. WADE: Emily?

7 MS. FIREBAUGH: If you want to be
8 unobtrusive with handing someone a brochure that says,
9 This is what timber prices have been for the last
10 year, or, This is how you should go about it, go to
11 your county assessors and ask them who is taxed
12 underneath that step -- I think it's No. 5 -- and do a
13 mass mailing that way.

14 I agree with David. You come to me the day
15 that I'm ready to get that money handed to me from my
16 logger, and then you say, Oh, by the way, you're
17 getting screwed, I'm going to be mad. I'm going to be
18 mad at you. I'm going to be mad at the logger. I'm
19 going to be mad in general. And, probably, I've
20 already got that money spent in my mind or at my bank,
21 and I'm going to do the deal anyway.

22 MR. CONLEY: It says prenotification. That
23 means you don't wait until after the logging is done
24 before you hand somebody the brochure.
25 Prenotification means before the logging takes place.

1 MS. FIREBAUGH: But, Jerry, if I want to do
2 a cutting, I want to do it yesterday.

3 MR. CONLEY: The states we've talked to have
4 indicated there wasn't any -- there really has not
5 been a problem. If you're getting ready to log next
6 year, in essence, you could notify somebody that, Hey,
7 I'm going to log next year. I'm going to -- there is
8 no reason it should be any kind of a delay. You don't
9 have to wait until the very day before you log.

10 The ideal thing would be have a landowner be
11 aware of it and start thinking about harvesting and
12 notify us and let us come out and give the them
13 information and point out maybe even before he got
14 the -- if you could figure out some way to do it,
15 before you even got to the logger stage.

16 MS. FIREBAUGH: And it wouldn't be more
17 convenient for your people who are already busy --

18 MR. CONLEY: Yeah.

19 MS. FIREBAUGH: -- to do a mass mailing?
20 And then if somebody wants to come talk to your
21 forester, then they can come to you. Your guys are
22 not going to get out there.

23 DR. WADE: John?

24 MR. SAUNDERS: Well, I had a question. Who
25 is delivering this information then, Jerry? Would

1 that be through the loggers? In other words, if I
2 contact a logger, or they contact me to buy my timber,
3 are they required then, Here is a MDC brochure, or
4 who -- and then are they required to notify you-all?

5 MR. CONLEY: I think the way we initially
6 talked about it, we were talking about the landowner
7 instead of the logger.

8 MR. MIKE HOFFMANN: I wasn't in those
9 discussions.

10 MR. MAHFOOD: We were. I think from some of
11 the discussion in the Committee that was discussion
12 about the logger actually coming in, but what we had
13 discussed earlier was the landowner.

14 MR. CONLEY: It could be either one. I
15 mean, the thing is, if you were a logger, you would
16 be -- if a landowner approached you to cut the timber,
17 or you approached him, you would say, Hey, there is a
18 prenotification that has to take place here, and here
19 is who you contact. At that stage the guy getting
20 ready for a timber sale would probably contact us and
21 say, I'm planning a timber sale.

22 MR. DAY: Again, Jerry, I guess I'd ask you
23 if the only purpose of this is to get the information
24 in their hand? It seems to me there would be a lot of
25 ways to do it that would upset a lot fewer people. I

1 mean, if that's the only intention of the whole thing
2 is to -- as I understand you to be saying, then I
3 would think going through your assessor, going through
4 those avenues and just sending it to them would
5 upset -- because I can promise you, in the part of the
6 state I travel, and you know south central Missouri
7 and down in the timber area, those folks are pretty
8 independent, and I don't think they're going to like
9 the State of Missouri saying, Before you can harvest
10 on your land, you have to let us know what you're
11 doing. And I just -- I think the Department of
12 Conservation would -- would probably catch a lot of
13 grief from that. There is no doubt in my mind about
14 it.

15 DR. WADE: Bill?

16 REPRESENTATIVE FOSTER: For one thing, if we
17 get back to high capacity chip mills, I assume we're
18 talking about a significant harvest, 40 acres or more.
19 And another thing, once you contact a logger, I assume
20 you're ready to cut timber, or you wouldn't have
21 called the logger. So, I guess, it really needs to go
22 back to the landowner because they would probably know
23 at least a little time, but once you contact the
24 logger, you're ready to go.

25 And I don't know how long we're talking

1 about on this permit. If you give the Conservation
2 Department a ten-day notice, is that enough, a
3 thirty-day notice, a year notice?

4 DR. WADE: David?

5 MR. BEDAN: Maybe I should rescind my "by
6 loggers" thing. I mean, maybe a better idea, Jerry
7 Conley seems to think this is a useful tool and maybe
8 we should just recommend a prenotification process in
9 order that he can help educate landowners, and the way
10 you -- the details of how you craft it would be based
11 on going and talking to other states, looking at other
12 states, and seeing which ones were most effective and
13 least intrusive.

14 I would be totally willing to rescind the
15 "by loggers," Jerry, if you think there is a better
16 way to do it, and I think I will leave that up to you.

17 MR. CONLEY: I would try to leave it more
18 general, really. Just prenotification, and let the
19 details be worked out.

20 MR. BEDAN: Right.

21 MR. MAHFOOD: I would support -- I would
22 support what Dave and Jerry are saying, simply because
23 I always -- I know the process you've got to go
24 through and the process the Commission has to go
25 through to propose something and the rules and the

1 give and take.

2 Evidently, they would have to address all of
3 these issues, and I like the concept for the reasons
4 that -- that Jerry outlined, but I'd hate to try to
5 dictate who it's to and who it's for at this point.

6 SENATOR CHILDERS: I just had some wording I
7 put down just to see if this might assist it.

8 A system of prenotification of timber prices
9 and GMPs should be mailed on a county-by-county basis
10 to provide information to forest owners by
11 establishing a mailing list of such owners. Would
12 that get your point there of -- if you sent it out to
13 them?

14 MR. CONLEY: Well, we are working on that
15 kind of thing right now, trying to come up with a
16 list, you know, of timber owners that we could, you
17 know, start contacts with that we are getting to right
18 now. It would certainly help. I don't know whether
19 it would actually --

20 SENATOR CHILDERS: It's one that I could
21 live with. I don't know if other people would like it
22 or not, but it's something -- if you mailed it out to
23 them and they wanted to pursue it, you've sent them
24 your information. They get on your mailing list and
25 you're in contact with them on a regular basis. But I

1 don't know.

2 DR. WADE: Emily?

3 MS. FIREBAUGH: I agree with your theory
4 that we need to trigger information dissemination to
5 landowners, but I think we're sending the wrong
6 messenger. Instead of sending a regulation out that
7 says "prenotification," I think we should send out an
8 informational pack with the USPS by a mailing. And it
9 would be ten times easier for one of your foresters to
10 go to the assessor's office and create a list, a
11 mailing list, rather than hoping that a landowner or a
12 logger will come to them.

13 And it would be a very unobtrusive way to
14 disseminate that information, so I agree with yours,
15 and let's have that it be a mailing, I believe,
16 is the way --

17 DR. WADE: I have a recommendation. I
18 think -- I think that we've discussed this very
19 extensively, and what we have are two proposed
20 wordings that really represent a different -- very
21 different approaches to it. My suggestion is, let's
22 get -- let's get the approach that Doyle just gave,
23 let our first approach -- let our first vote be on
24 which one you're then going to have the roll call vote
25 on. My suggestion is that perhaps we can do that

1 decision on a hand vote. Would that work?

2 MR. MAHFOOD: So what's -- I'm sorry, Jerry.

3 We were going to vote on what we're going to vote on?

4 Is that what you're trying to say?

5 DR. WADE: Or do you want to vote on both of

6 them?

7 SENATOR CHILDERS: Let's vote on both of

8 them.

9 DR. WADE: Never mind. We'll keep it

10 simple. While she's writing the second one down, let

11 me read the first one as I think it is now worded.

12 "A system of prenotification to MDC of

13 commercial harvesting should be developed as a means

14 to trigger information dissemination to landowners."

15 MR. SMITH: Do we want to define or not

16 define -- put a size of cut on "commercial," or is

17 "commercial," say -- I think I would feel more

18 comfortable if there was some sort of acreage. I

19 still feel a little uncomfortable about notifying

20 every -- every time that someone goes out and cuts a

21 tree or cuts a small acreage, even if it's a small

22 commercial cut.

23 DR. WADE: Mark?

24 MR. GARNETT: I'm just stretching.

25 MR. CONLEY: Could you put a -- would you

1 use a board-foot type rather than acres? I don't know
2 what it would be.

3 MS. FIREBAUGH: Are you going to count culls
4 in the board foot?

5 MR. DAY: My question is, I mean, if you're
6 talking about the landowner, that landowner, I
7 wouldn't -- I'll speak for myself. I wouldn't know
8 how many board feet I have.

9 MR. CONLEY: Okay. Well, there is another
10 little thing that's involved here. We're all
11 struggling because we don't have good information
12 about timber harvest in the state. And part of the
13 intent here that I probably should have brought up
14 earlier was that it would give us good information
15 about timber harvest in the state that we kind of lack
16 right now. I mean, we're trying to attack all of the
17 different places that we lack information. We're
18 going to talk about that in some of these other
19 recommendations.

20 But what kind of timber is going into the
21 saw mill, that's one part of it. How much timber is
22 being sold in the state, what types, species, I mean,
23 those things are -- for a long-term tracking program,
24 that's probably a pretty good thing for a lot of
25 people in the state to have. That would certainly add

1 to the -- on top of, you know, getting the word to the
2 landowner about what -- maybe what -- what products
3 are hot right now and what the prices are.

4 DR. WADE: Yes, Jay.

5 MR. LAW: Just on size, based on Dan
6 Witter's report he gave to us on the survey that the
7 Department has done of wood landowners, 74 percent of
8 people reported have less than 40 acres, continuous,
9 I'm assuming. So that leaves 25 percent with more
10 than 40 acres. And about 14 percent have 70 acres or
11 more. Ten percent have 80 acres or more.

12 DR. WADE: We have no size. Do you want to
13 put one in before we vote? What's the Committee's
14 pleasure?

15 MR. CONLEY: I'm okay with putting a size
16 in. I'm just not sure what it is.

17 MR. MAHFOOD: Jerry, when you hear -- just
18 following up on what John said, when you, or the
19 Commission or the staff would hear the word
20 "commercial harvest," what would that -- what would --
21 now that we've added that, what would that mean to
22 you?

23 MR. CONLEY: You're selling it commercially
24 versus using it for your own use, that type of thing.

25 MR. MAHFOOD: Okay. And it wouldn't -- of

1 course, that would not connote a size to it?

2 MR. CONLEY: Right.

3 MR. MAHFOOD: Okay.

4 MR. CONLEY: Any suggestions on size?

5 MR. BOB KREPPS: I think it varies. In the

6 states that are using it, it varies all of the way

7 from five acres in Montana to something higher.

8 DR. WADE: David?

9 MR. BEDAN: Can we comment on the second --

10 wording of the second one?

11 DR. WADE: Let's stay with the first one,

12 and then we'll come and do the second one.

13 MR. BEDAN: I think there is something

14 misleading in the second one that might affect the

15 vote on the first one. I think it is not a

16 prenotification system. It's a mislabeling.

17 DR. WADE: Okay. We'll change that when we

18 get to it.

19 MR. BEDAN: Okay.

20 MS. FIREBAUGH: I have two questions: Are

21 you going to call -- if you do it by size, are you

22 going to count the culls? What I would call that

23 crooked tree out that's there, am I going to cut the

24 board feet on that, or tonnage?

25 And then the second thing I need to know

1 before I can vote on it is, what are you going to do
2 about the landowner who doesn't know a black oak from
3 a white oak from a sycamore to say what he's having
4 cut?

5 MR. CONLEY: Well, the first part, you're
6 going to -- you're not going to go by number of trees
7 probably. You're going to go by acreage. So if you
8 were to, say, for example, 20 acres on up, I think
9 that would get the bulk of the commercial harvest. I
10 don't know how much commercial harvest takes place in
11 under 20 acres.

12 MR. BOB KREPPS: That depends on species and
13 that type of thing, Jay.

14 MR. CONLEY: Yeah, walnut.

15 MR. LAW: Yeah. About 50 percent of the
16 forest landowners have 20 acres or less.

17 MR. CONLEY: What was the second question?

18 MS. FIREBAUGH: The second is, what do you
19 do with the landowner who says, Hey, I'm cutting
20 trees, but I don't know what kind they are. They are
21 just out there. And you're not going to get your
22 inventory of what's being harvested by doing that.

23 If you want to get an actual count of a
24 harvest, you've got to see what the logger sold it at
25 the mill and then you -- or you ask the mill what they

1 took in. The landowner is not the one who is going to
2 know that all of the time, but the loggers know --
3 he's going to know if he took white oak or black oak
4 or ash, or what he got paid for it, and the miller
5 will know what he took in.

6 MR. SMITH: Do we get pretty good
7 information from the saw mills now? Don't we fill out
8 a saw mill report to tell us what we --

9 DR. WADE: David?

10 MR. DAY: I've got a question as far as the
11 discussion of putting a size on this of acres or board
12 feet, or whatever.

13 If the purpose is to get information to the
14 landowner who's selling, and, as I understand it, to
15 find out what's being sold, then why would you
16 excluded anybody? I mean, if that's -- if that's the
17 purpose, then why would you want to say only over 40
18 acres? I mean, if I'm selling ten acres, obviously,
19 to me that ten acres is important to me.

20 MR. CONLEY: Yeah.

21 MR. DAY: So I think you either -- I would
22 suggest that if we are voting on a prenotification
23 permit that it be just that for everybody and not --
24 not make people who don't want to mess with it do it
25 in different tracts and do all of the loopholes and

1 all of that crap. I mean, you either have one or you
2 don't have one.

3 DR. WADE: Now, this does not say permit.
4 It's prenotification. This is not a permit.

5 MR. DAY: Okay. Whatever. Prenotification
6 thingamajiggi.

7 MS. FIREBAUGH: I like those technical
8 terms.

9 SENATOR CHILDERS: Form, prenotification
10 form. That's it.

11 MR. SMITH: What may be -- it may be in the
12 form of a phone call. It may be an 800 phone number
13 that you call and say, I need to cut.

14 But can that -- can this information be
15 gotten from the saw mill?

16 MR. CONLEY: I was asking the forest
17 rangers --

18 MR. SMITH: Don't we do some of this
19 already?

20 MR. BOB KREPPS: Through our drain survey,
21 John, that's done on a three- to five-year period --
22 and we're getting ready to do another one of those
23 this next year -- I guess, when you look at that, that
24 is one aspect of tracking harvest around the state,
25 and that information does come from the saw mills.

1 But there is -- there is probably a gap
2 there of, you know, what -- what -- total removal of
3 trees, you know, throughout the state, you know, some
4 of that could be correlated with some landowner input.
5 You know, even if it was voluntary input, it would be
6 better than what we've got now.

7 DR. WADE: If I could have the Committee's
8 attention.

9 This simply talks about a process to trigger
10 information dissemination to the landowners. The
11 specification of what -- it's prenotification of
12 beyond commercial harvesting, that's all it is, is a
13 pre-- the way this is stated, it is simply a
14 prenotification of commercial harvesting.

15 It does not -- this does not specify that it
16 provides any other information in the fact that it's
17 going to be harvested. So the conversation that
18 you're having now is about something that is not now a
19 part of this.

20 MR. CONLEY: You've got a point there. We
21 might ask the individual how many acres and what he
22 intends. If he chooses not to give us the information
23 under this system, then he's taking -- under the
24 suggestion, he's taken care of his requirement. He's
25 notified us, and that's it. And that might get at

1 some of your problem, David, with people.

2 DR. WADE: That's all that's in this
3 recommendation, so if we could keep the conversation
4 focused on what the recommendation is, unless you want
5 to change it.

6 SENATOR CHILDERS: At one point -- why -- if
7 it's just that, what's the penalty for not doing it?
8 I mean, that's what -- if you're saying you've got to
9 notify us, but there is no reason to do it, we're in a
10 Catch-22. If you're saying it's a notification, but
11 if you don't do the notification, can you not sell the
12 timber? Would that be the penalty for not doing it?
13 Because that's the big question I see in this issue.

14 DR. WADE: Steve?

15 MR. MAHFOOD: Senator, we get into -- at
16 DNR, we get into those same kind of circles at times,
17 and I know I'm probably shooting from the hip on this,
18 but, you know, I guess, I was always question our
19 regulatory approaches first.

20 And I think what happens and what we see is
21 it's a high number -- compliance is pretty high.
22 Missourians are pretty good about wrestling around on
23 the issues on the front end, but once we make a
24 decision and something is out there, I would venture
25 to say that this is one of those things that we --

1 we -- speaking for myself, would not want some heavy
2 hand, but I would be willing to bet you that you get
3 pretty high compliance.

4 People are good at doing what they have to
5 do, and whether it's 70 percent or 90 percent, I mean,
6 I couldn't tell you, but I think most people would --
7 if something like this was in place, and what I've
8 read about prenotification in other states, it's not
9 meant to be a heavy-handed thing.

10 And, yes, there could be people who don't,
11 but most people are -- have been very willing to be
12 very basic in their notifications, but -- I know that
13 probably doesn't answer your question, but we
14 experience the same thing. We've got some things, I
15 think, that are pretty weak, but we don't want to push
16 it because we're getting really good compliance on
17 something that's on paper pretty weak.

18 SENATOR CHILDERS: And that comes down to
19 the argument that we run into legislatively so much.
20 Once there is a process there, there is a mandate,
21 then the next step is to say, Now, then, you can't
22 sell it unless you get a permit, and that's what
23 worries a lot of landowners from that.

24 MR. SAUNDERS: And picking up on what Steve
25 just said, I think we're all -- we're hung up on some

1 things here. Number one, we don't need to worry about
2 the enforcement of this. If we want information,
3 that's what we're after here. I think we can all
4 agree that more information is good and landowner
5 education is good. Logger education is good.

6 You know, let's focus on that and not get
7 hung up on obtrusiveness. It's not going to be
8 obtrusive if I'm going to learn more about the value
9 of my timber. It may be adding value to my timber.
10 Instead of selling it to a chip mill I might find that
11 I can get more money for it, so -- and then the
12 operative word up there, it says "could" not "should."
13 It says "could be developed."

14 So we're not -- all we're doing is putting
15 forth a recommendation here. We're not going to tie
16 anyone's hands.

17 DR. WADE: The word is -- has been changed.

18 MR. SAUNDERS: Has been changed to "should."
19 Okay. All right.

20 MR. BEDAN: It's not "shall."

21 DR. WADE: There has been extensive
22 discussion. Do you have new information?

23 MR. DAY: Just a comment to what Director
24 Saunders said.

25 You said we shouldn't get hung up on the

1 obtrusive part, but yet we don't know it won't be if
2 we're not going to write the details of it. We don't
3 know what will come out of it. So I am hung up on
4 that, sir.

5 MR. SAUNDERS: But --

6 DR. WADE: Emily?

7 MS. FIREBAUGH: And I have -- I still don't
8 have my answer, because I still don't know what you're
9 going to do the landowner who doesn't know what his
10 harvest is going to produce.

11 And then another new part is, I get a timber
12 harvest report quarterly. Who sends that to me? I
13 thought it was your Department that sent that to me.
14 It's a little white folded thing and it's got a little
15 skidder and a little tree on the front, and it tells
16 me what's been cut and what the prices are. Who sends
17 that to me?

18 MR. CONLEY: The loggers. No. I'm just
19 kidding.

20 MR. LAW: MDC.

21 MR. CONLEY: I'm just kidding.

22 MR. DAY: Boy, it got quiet.

23 MS. FIREBAUGH: Hey, listen. You won.
24 You're the only one that's shut my mouth today.
25 But, I mean, you're already getting that

1 information, but I still don't have my answer on what
2 are you going to do with the people who don't know
3 what they're cutting?

4 MR. BEDAN: Apparently, from a report that
5 came out a few weeks ago -- I don't know if it was an
6 MDC report or Forest Service, whatever -- landowners
7 are tremendously undervaluing their timber in
8 Missouri.

9 It would seem to me it would be a great
10 service to landowners to get better information in
11 their hands so that they can make better decisions
12 just for their own economic benefit.

13 In fact, some of the figures showed that
14 some landowners are only getting about 25 percent of
15 the value of their timber. And this directly relates
16 to chip mills, because the chip mills are taking
17 advantage of this. If landowners knew the value of
18 their timber, I think the chip mills would have a lot
19 harder time low-balling them.

20 DR. WADE: Let me also remind the Committee,
21 this is not -- this -- the way that is -- if you are
22 going to make this a system of MDC gathering timber
23 harvest information, you are going to have to change
24 it.

25 MR. CONLEY: It's not mandatory the way it's

1 written.

2 DR. WADE: It is simply a system to trigger
3 dissemination of information. That's the way it's
4 worded in it.

5 REPRESENTATIVE FOSTER: If we had a
6 clear-cut statement from this Committee that the
7 recommendations that we're giving, that we do not want
8 them to go any further, a lot of us would support some
9 of these. But some of us feel that once the camel has
10 got his nose under the tent that eventually the whole
11 camel is going to be in the tent.

12 But if this Committee would say, This
13 recommendation that we have is as far as we want to
14 go, I think we would be a little more comfortable.

15 DR. WADE: Would you like to suggest that
16 addition to this statement?

17 REPRESENTATIVE FOSTER: I think that's true
18 in general.

19 MS. FIREBAUGH: I like his statement --

20 MR. CONLEY: I just think the Committee --
21 there is several things involved, but the Committee
22 surely ought to be able to go on record as
23 encouraging, in this case, ourselves, or the forest
24 service, or whoever, to work on somehow getting
25 information to landowners -- and maybe that's the

1 second one.

2 -- getting information to landowners, and
3 encouraging landowners to somehow contact us prior to
4 maybe not requiring you to do it, but somehow
5 contacting us prior to a timber sale. I'm not quite
6 sure how to word that, but that's the very least that
7 this Committee ought to recommend based on our
8 concerns about this timber being underpriced and sold
9 at the wrong time.

10 DR. WADE: May I -- what I sense of what
11 you've just said is really what the sense of the
12 Committee is of what they want this statement to be.

13 Could you -- could you draft that statement,
14 and we will come back and deal with that statement,
15 and move on for the moment?

16 MR. CONLEY: Okay.

17 DR. WADE: With that, I would also like to
18 hold consideration of the second one since they are
19 both involving the same thing.

20 Okay. So if that's -- if someone can frame
21 that recommendation, we'll get that later in the
22 afternoon as soon as that gets framed.

23 MR. CONLEY: Okay. Before long.

24 DR. WADE: Let us go to the Forest Resources
25 Council. We have two. We need to deal with just one

1 of them.

2 Jay?

3 MR. LAW: I submitted the second one, which
4 is quite similar to (B) above, and I would agree to
5 removing that because it is redundant.

6 DR. WADE: Okay. Would you pull the second
7 one off?

8 Okay. Can you focus your attention on (B),
9 a Forest Resources Council should be established. The
10 Council would serve at least three roles: No. 1,
11 foster collaboration and provide an ongoing public
12 forum among landowners, loggers, wood-based
13 industries, environmental interests, the tourism
14 industry, public agencies, and others with a vital
15 vested interest in the well-being of Missouri's forest
16 resource; two, advise the Governor and State, County
17 and Local governments on sustainable forest resource
18 policies and practices; three, coordinate priority
19 forestry research efforts in the State and develop and
20 implement initiatives in sustainable forest
21 management."

22 David?

23 MR. DAY: Three quick questions.

24 First one, who will appoint it; second, who
25 will sit on it, and, lastly, what department will they

1 be affiliated with?

2 DR. WADE: Emily?

3 MS. FIREBAUGH: I'm for it if it stays out
4 of government hands. I don't want the governor
5 appointing. I don't want it to be regulated by State
6 departments. Let it be a free enterprise with our
7 trades taking care of the input and the personnel and
8 the -- and the people who sit on the council.

9 MR. DAY: How are you going to fund it?

10 MS. FIREBAUGH: Let us do -- let us do our
11 funding.

12 MR. BEDAN: We already have that. It's
13 called the Missouri Forest Products Association.

14 MS. FIREBAUGH: No. This would be expanded
15 to more -- more input than that.

16 MR. BEDAN: I think -- to answer your
17 question, I think it should be appointed by the
18 governor. It should have some sort of balance of all
19 interests, somewhat similar to this. Maybe this group
20 wasn't perfect, but all of the interests listed there
21 should be represented. And then it probably should
22 be, for administrative purposes, assigned to the
23 Conservation Department, staffed by their Commission.

24 In other words, it would be similar, for
25 example, to the Clean Water Commission, which is

1 appointed by the governor, but DNR furnishes the
2 staff. In this case, it would be appointed by the
3 governor, and Conservation would furnish the staff and
4 the assistance of the other agencies under it.

5 MR. DAY: Under that scenario, I would
6 oppose it just because of -- everybody knows the
7 appointments are political, and you could guide that
8 thing any direction you wanted depending on who was in
9 office.

10 DR. WADE: Mark?

11 MR. BEDAN: What's the alternative?

12 MR. GARNETT: I'm not against it.

13 MR. BEDAN: Why didn't you just say you were
14 opposed.

15 MR. DAY: I thought maybe that was an --

16 DR. WADE: Mark?

17 MR. GARNETT: I'm not against the concept at
18 all, but I think I've got some of the same concerns
19 David does.

20 We're dealing with forestry policy, and you
21 have a 60- to 120-year rotation time of trees, and if
22 we -- we change the policies every four years when we
23 change governors, I think that's kind of a -- that's
24 kind of a mistake. I don't think that's going to work
25 so well.

1 DR. WADE: Steve?

2 MR. MAHFOOD: I'm sorry. Were you done,

3 Mark?

4 MR. GARNETT: Yeah, I'm done.

5 MR. MAHFOOD: I'm just going to say, I hold

6 all of those same concerns depending on what the issue

7 is. There has been ways of dealing with this, though.

8 And, again, it wouldn't be stipulating here. We have

9 things like our Petroleum Storage Insurance Fund in

10 DNR. It's a very independent organization. It's

11 written in legislation to make it very independent.

12 We do provide assistance, and -- but we

13 don't directly provide staff. It's like my old

14 organization, EIERA. It was independent.

15 There are ways to write this so that there

16 are fire walls there, and the people in those

17 positions also have long-term appointments. They are

18 at least six-year appointments. And it has its good

19 side and its bad side, but it kind of overlaps the

20 issues of -- you know, this short-term control issue.

21 And I know that it could be written to put

22 those kind of fire walls in, but make some

23 responsibility, because in Missouri government, if

24 anything, Emily, is in government, it's got to be in a

25 department. You can't be out here independent.

1 That's the way Senator Bond, former Governor Bond,
2 reorganized Missouri government. You've got to be in
3 one of the departments.

4 And so it would be assigned someplace if it
5 was a governmental entity, but I really firmly believe
6 we've got models of where we've got fire walls and
7 where there is interaction, but, yet, it has
8 independence.

9 MR. DAY: This is the last time I'll speak
10 to it.

11 I'll just say, as it's written, I couldn't
12 support it because I would want specific slots set up
13 for organizations to sit on and that sort of thing, so
14 that's my problem with it. It's not specific enough
15 for me to vote yes.

16 SENATOR CHILDERS: If it would help any, I
17 just jotted down some wording to say on a No. 4
18 underneath to say, Appointments shall be submitted by
19 the groups involved and confirmed by the senate under
20 the Department of -- whatever department you want to
21 put it under.

22 Would that -- would that solve the problem
23 for anyone there? That way the people are named by
24 their group.

25 DR. WADE: Why don't you give that to Alice?

1 SENATOR CHILDERS: And I don't know whatever
2 department you want to say. I don't know.

3 MR. SMITH: I think it should be in the
4 Department of Conservation, Jerry's.

5 SENATOR CHILDERS: Department of
6 Conservation, if everybody is in agreement to that.

7 MR. MAHFOOD: Yeah. You know, I actually --
8 now, Jay, I actually like your -- frankly, I liked
9 your -- I should have spoke up. I can't see those
10 small items, and when Jerry read them off,
11 afterwards I kind of liked what you had, because you
12 said "establish by the Legislature."

13 That process is automatically going to get,
14 as we all know, everybody to testify, all of the
15 parties will come together. Nothing is going to slip
16 by on this issue in the Legislature without pretty
17 open and frank discussion.

18 So, to me, that was kind of the -- our
19 elected officials deal with that and not that some
20 department just decides on how it's going to --

21 DR. WADE: Does the group want to take a
22 reading on how that one is worded?

23 Emily?

24 MS. FIREBAUGH: I believe if you do the
25 Forest Resources Council under a Department you're

1 just creating another level of bureaucracy. I think
2 what would be more of our -- to our advantage if we
3 said we would like to have a Forest Resources Council,
4 and then named the organizations that should be a part
5 of it. Let's say the Sierra Club. Let's say the
6 Foresters Consulting -- the Consulting Foresters.
7 Let's say somebody from the licensed loggers, if we do
8 that, or someone who serves with Farm Bureau.

9 Let's -- let's take on the full
10 responsibility of saying, This is the animal that we
11 want to put the wings and the feathers and the legs
12 and the arms on.

13 But I think another level of bureaucracy is
14 the wrong way to go.

15 DR. WADE: David?

16 MR. BEDAN: Well, one, there is some concern
17 about a flip-flopping in policy. This body would have
18 no policy-making authority. This is simply an
19 advisory group, as far as I can tell. It would still
20 be various commissions, departments, Legislature,
21 Governor, whatever. It would still remain whatever
22 authority they have, but this would be a way of having
23 coherent advice to these policy-making groups.

24 Secondly, I think maybe the word "under the
25 Department of Conservation" is misleading, because I

1 think what we're talking about is something
2 independent of the Department of Conservation but
3 assigned to them for administrative support, because I
4 don't think we want to create a new agency with its
5 own staff, do we? I don't think we want to do staff.

6 And since Conservation is the constitutional
7 agency for forestry, it would seem to make sense that
8 Conservation would provide the administrative support
9 and staffing for it, but that's not really under.
10 "Under" implies under the control of.

11 SENATOR CHILDERS: "Assign" would be a good
12 term.

13 DR. WADE: Assigned to.

14 MR. MAHFOOD: Let me clarify. "Assigned" is
15 what some of those other agency-- I mean, they just
16 can't independently go to the General Assembly for an
17 appropriation, for example, or go separately. They
18 have to be assigned or under or some operative term,
19 but you can be assigned. Emily, that works.

20 DR. WADE: Doyle?

21 SENATOR CHILDERS: I was just going to say
22 that the law would have to be written by the
23 Legislature, anyway, and by just saying under these
24 groups and then leave it up when they write the law to
25 come up, everyone would give their input on who needed

1 to be on the list or where the appointments came from.
2 So I think that would take care of this without us
3 trying to sit and name every group that ought to be
4 covered.

5 DR. WADE: John?

6 MR. SMITH: I think we've discussed this
7 quite thoroughly. I would like to call for the
8 question.

9 DR. WADE: Is there any more -- any more
10 comments that's new to this?

11 (No response.)

12 DR. WADE: Roll call.

13 MR. MAHFOOD: Okay. Better say what we're
14 voting on again, Jerry. Clarify.

15 DR. WADE: "A Forest Resources Council
16 should be established. The Council should serve at
17 these three roles: Foster collaboration and provide
18 an ongoing public forum among landowners, loggers,
19 wood-based industries, environmental interests, the
20 tourism industry, public agencies, and others with a
21 vital vested interest in the well-being of Missouri's
22 forest resource; No. 2, advise the governor and state,
23 county and local governments on sustainable forest
24 resource policies and practices; three, coordinate
25 priority forestry research efforts in the state and

1 develop and implement initiatives in sustainable
2 forest management; four, appointments shall be
3 submitted by the groups involved and confirmed by the
4 Senate, assigned to the Department of Conservation for
5 administrative support."

6 MR. MAHFOOD: Okay. Llona?

7 MS. WEISS: Garnett?

8 MR. GARNETT: No.

9 MS. WEISS: Goode?

10 (No response.)

11 MS. WEISS: Law?

12 MR. LAW: Yes.

13 MS. WEISS: Mahfood?

14 MR. MAHFOOD: Yes.

15 MS. WEISS: Saunders?

16 MR. SAUNDERS: Yes.

17 MS. WEISS: Smith?

18 MR. SMITH: Yes.

19 MS. WEISS: Bedan?

20 MR. BEDAN: Yes.

21 MS. WEISS: Childers?

22 SENATOR CHILDERS: Yes.

23 MS. WEISS: Conley?

24 MR. CONLEY: Yes.

25 MS. WEISS: Day?

1 MR. DAY: No.

2 MS. WEISS: Driskill?

3 (No response.)

4 MS. WEISS: I'm sorry.

5 Firebaugh?

6 MS. FIREBAUGH: No.

7 MS. WEISS: Foster?

8 MR. MAHFOOD: He's gone.

9 DR. WADE: He's gone.

10 MS. WEISS: Sorry.

11 Seven yes, and three no.

12 DR. WADE: Okay. Now, we're going to begin

13 with the ones that you-all have a high degree of

14 coherence on. We're going to begin with the economic

15 and social impacts.

16 One, "Enhance the marketing efforts of

17 Departments of Agriculture and Economic Development to

18 assist in the development of value-added forest

19 products and export trade."

20 MR. GARNETT: Call for question.

21 DR. WADE: Any discussion?

22 David?

23 MR. BEDAN: Does the value-added apply for

24 export trade as well as forest products? I wouldn't

25 want to see marketing of exported chips, for example.

1 I want to make sure that we're talking about marketing
2 of value-added products, and exports.

3 DR. WADE: And value-added export trade?

4 MR. BEDAN: Well, I don't know how to do it.

5 MR. GARNETT: I think value-added.

6 MR. BEDAN: Is that how we do it?

7 DR. WADE: Okay.

8 MR. MAHFOOD: Chairman?

9 MR. MAHFOOD: Ready for the vote?

10 DR. WADE: Yes.

11 MR. MAHFOOD: Llona, you ready?

12 MS. WEISS: I'm getting there.

13 MR. MAHFOOD: All right.

14 MS. WEISS: Law?

15 MR. LAW: Yes.

16 MS. WEISS: Mahfood?

17 MR. MAHFOOD: Yes.

18 MS. WEISS: Saunders?

19 MR. SAUNDERS: Yes.

20 MS. WEISS: Smith?

21 MR. SMITH: Yes.

22 MS. WEISS: Bedan?

23 MR. BEDAN: Yes.

24 MS. WEISS: Childers?

25 SENATOR CHILDERS: Yes.

1 MS. WEISS: Conley?
2 MR. CONLEY: Yes.
3 MS. WEISS: Day?
4 MR. DAY: Yes.
5 MS. WEISS: Driskill?
6 (No response.)
7 MS. WEISS: I'm sorry.
8 Firebaugh?
9 MS. FIREBAUGH: Yes.
10 MS. WEISS: Foster?
11 (No response.)
12 MS. WEISS: Garnett?
13 MR. GARNETT: Yes.
14 MS. WEISS: Goode?
15 (No response.)
16 MS. WEISS: All in the affirmative.
17 DR. WADE: "Establish a grant program for
18 marketing and feasibility studies which could provide
19 assistance for wood product companies to develop
20 value-added agricultural business concepts that, one,
21 lead to and result in development, processing and
22 marketing of new or expanded uses or technologies for
23 agricultural products; and, two, foster agricultural
24 economic development in Missouri's rural communities."
25 Discussion?

1 MR. SAUNDERS: This is already ongoing right
2 now, because the agriculture and small business
3 development authority has a grant -- value-added grant
4 and loan program, and we have already given grants to
5 wood product companies for value-added wood products.
6 DR. WADE: What you're saying then is the
7 correct word is "support"?
8 MR. SAUNDERS: Well, I would say, unless you
9 want to add more to it, which we would be glad to have
10 that.
11 DR. WADE: Would the Committee like to
12 change the word to "endorse"?
13 MR. BEDAN: Establish is incorrect?
14 DR. WADE: That's right. "Endorse."
15 Roll call, Chairman?
16 SENATOR CHILDERS: The grant program.
17 MR. MAHFOOD: Are you comfortable with that,
18 John? Is that now more reflective of what's going on?
19 MR. SAUNDERS: That would be great.
20 MR. MAHFOOD: Okay. Llona, roll call vote.
21 MS. WEISS: Mahfood?
22 MR. MAHFOOD: Yes.
23 MS. WEISS: Saunders?
24 MR. SAUNDERS: Yes.
25 MS. WEISS: Smith?

1 MR. SMITH: Yes.
2 MS. WEISS: Bedan?
3 MR. BEDAN: Yes.
4 MS. WEISS: Childers?
5 SENATOR CHILDERS: Yes.
6 MS. WEISS: Conley?
7 MR. CONLEY: Yes.
8 MS. WEISS: Day?
9 MR. DAY: Yes.
10 MS. WEISS: Driskill?
11 (No response.)
12 MS. WEISS: Firebaugh?
13 MS. FIREBAUGH: Yes.
14 MS. WEISS: Garnett?
15 MR. GARNETT: Yes.
16 MS. WEISS: Goode?
17 (No response.)
18 MS. WEISS: Law?
19 MR. LAW: Yes.
20 DR. WADE: "Expand the research and
21 development of alternative fiber sources for paper.
22 The project would identify crops with high potential,
23 create high yield varieties, and design processing
24 technologies to build a paper production industry in
25 Missouri with alternative sources of raw materials."

1 Discussion?

2 Yes.

3 MR. LAW: I really don't know that that's
4 within the purview of this Committee. Who's going to
5 do that research and development?

6 I would have to ask John, are you getting
7 requests to grow alternate crops here in Missouri that
8 might provide a fiber for wood industry?

9 MR. SAUNDERS: Yes, we've gotten some
10 requests. That, I think, is happening on a nationwide
11 basis. There are -- there is research being done, for
12 instance, on kenaf and a few things like that. One --
13 one notably absent crop that probably isn't getting a
14 lot of research done, industrial hemp.

15 But we've had requests, yes, for alternative
16 crops, and farmers are looking for alternative crops,
17 whether it's in the wood area or other crops.

18 But that -- that probably -- there is
19 probably research being done. To get it done here in
20 this state might be kind of difficult, and we could
21 probably look to other states that are already doing
22 this.

23 I would imagine that would apply here,
24 although, if granted, our climatic and geographic
25 conditions, maybe some crops wouldn't grow here. But

1 we've got a pretty broad range across the state that I
2 think we -- we need to be looking at some other
3 things. But, probably, we can rely on just the aid
4 and public funded research as well as private to gain
5 some knowledge into that.

6 DR. WADE: Doyle?

7 MR. SAUNDERS: But it should be encouraged,
8 I think, or supported, or something like that.
9 Maybe -- maybe that would be a better term.

10 MR. LAW: Probably directed at agriculture.

11 SENATOR CHILDERS: The point that I think I
12 would make there is that I'm not sure that we want to
13 build a paper production industry in Missouri. I
14 think the -- the development, the research on
15 alternative fiber sources is fine. But I'm not sure
16 from an environmental standpoint that we want a paper
17 production industry in the state of Missouri.
18 That's -- that can be somewhat of a problem with our
19 environment and everything here.

20 DR. WADE: Steve?

21 MR. MAHFOOD: I would go along with that. I
22 would like to support -- we're all from various angles
23 involved with looking at diversity of resources, but I
24 think -- I mean, I'm very supportive of this, but I
25 would like to take out there "to build a paper

1 production industry," because I have not seen -- even
2 with alternative technologies and alternative
3 materials, those are usually fairly nasty processes.
4 Even recycling paper can be very, very nasty.

5 DR. WADE: I sense it's the Committee's
6 sense then to put the period after "varieties." Any
7 objections?

8 MR. SMITH: No.

9 MR. MAHFOOD: No.

10 DR. WADE: Period after varieties and cross
11 the rest out and --

12 MR. MAHFOOD: Wait a minute. Chairman,
13 I'm -- I like the "with alternative sources of raw
14 materials" because we're --

15 MR. DAY: -- in Missouri with --

16 SENATOR CHILDERS: You put "of" instead of
17 "with." I think it says of instead of with under
18 alternative sources. That might do it. And then drop
19 that other. See how that reads when you take that
20 out. Does that --

21 DR. WADE: Okay. Does that take care of it?

22 MR. BEDAN: There is something wrong with
23 the grammar there.

24 MS. FIREBAUGH: Well, we can clean that up
25 later.

1 MR. LAW: What about expand -- do we want to
2 encourage, direct, or support, or what? It would have
3 to go to agriculture, I think.

4 MR. SAUNDERS: Well, you could say,
5 encourage the expansion of.

6 MR. MAHFOOD: Okay.

7 DR. WADE: Okay. Encourage the expansion
8 of --

9 SENATOR CHILDERS: That will do it.

10 MS. FIREBAUGH: I definitely believe in
11 using the words "encourage the expansion of." When we
12 were on the field trip in the basement of Westvaco --
13 I mean, in the basement of the motel in Poplar Bluff
14 and Westvaco gave us their show-and-tell on how they
15 have the water-injected trees in that loom on the
16 river's edge, I think we should encourage that
17 industry to do that.

18 My second point is, the next time that we
19 have a program on industrial hemp or kenaf, my
20 favorite story is the armed State Patrolman that came
21 in and put the fear of God in us that everybody is
22 going to start smoking industrial hemp, as he's got
23 guns strapped to him at this meeting. You know, let's
24 take the fear out of industrial hemp and -- so that we
25 can discuss it openly as an agricultural --

1 MR. MAHFOOD: Yes.

2 MS. FIREBAUGH: -- commodity.

3 That's still my favorite story.

4 MR. BEDAN: Here, here.

5 MS. ALICE GELLER: Somebody did suggest

6 putting "by the Department of Agriculture." Do you

7 want that?

8 MR. LAW: If we have to ask somebody.

9 DR. WADE: Steve?

10 MR. MAHFOOD: I'd prefer not to do that

11 because we've got projects going on where we work

12 together. I would rather not restrict it to a

13 department.

14 MR. SAUNDERS: I don't think we need to

15 restrict it.

16 MR. MAHFOOD: It could be the University.

17 It could be --

18 DR. WADE: Okay.

19 MR. SMITH: I was going to call for the

20 question.

21 DR. WADE: "Encourage the expansion of the

22 research and development of alternative fiber sources

23 of paper. The project would identify crops with high

24 yield potential and create high yield varieties of

25 alternative sources of raw material."

1 Mr. Chairman?
2 MR. MAHFOOD: Llona?
3 MS. WEISS: I'm sorry. I've got different
4 wording.
5 MR. MAHFOOD: We've got the right wording.
6 DR. WADE: We changed the wording. It's on
7 the wall over here.
8 MS. WEISS: Yeah, I know, but I can't --
9 Saunders?
10 MR. SAUNDERS: Yes.
11 MS. WEISS: Smith?
12 MR. SMITH: Yes.
13 MS. WEISS: Bedan?
14 MR. BEDAN: Yes.
15 MS. WEISS: Childers?
16 SENATOR CHILDERS: Yes.
17 MS. WEISS: Conley?
18 MR. CONLEY: Yes.
19 MS. WEISS: Day?
20 MR. DAY: Yes.
21 MS. WEISS: Driskill?
22 (No response.)
23 MS. WEISS: Firebaugh?
24 MS. FIREBAUGH: Yes.
25 MS. WEISS: Foster?

1 (No response.)
2 MS. WEISS: Garnett?
3 MR. GARNETT: Yes.
4 MS. WEISS: Goode?
5 (No response.)
6 MS. WEISS: Law?
7 MR. LAW: Yes.
8 MS. WEISS: Mahfood?
9 MR. MAHFOOD: Yes.
10 MS. WEISS: All in the affirmative.
11 DR. WADE: "Create a project to determine
12 the feasibility and details for developing forestry
13 cooperatives for such things as marketing, management,
14 export development and other business activities."
15 SENATOR CHILDERS: I would do that same
16 thing. Under the same legislation, I think those
17 cooperatives are already in place, so to state it
18 determining -- or we could actually say to --
19 "encourage" might be the terminology there under the
20 existing law.
21 DR. WADE: "Encourage"? Change that to
22 "encourage."
23 MS. ALICE GELLER: Here?
24 DR. WADE: "Encourage."
25 MS. ALICE GELLER: Encourage a project.

1 SENATOR CHILDERS: To encourage. "Create a
2 project to encourage," in place of "determine."
3 DR. WADE: Sorry. I had the wrong place.
4 Discussion on the recommendation?
5 Jay, yes.
6 MR. LAW: Well, it's fine to encourage those
7 things, but there are private development, those
8 that -- we have one in the state which I think I
9 mentioned before, just a group of landowners got
10 together to market, and they have a couple foresters
11 involved with them. I don't know that you need a
12 project. I think -- I would suggest that the
13 encouragement --
14 SENATOR CHILDERS: Drop that?
15 MR. LAW: Yeah. That we encourage and
16 support that. There are coops in all kind of
17 agricultural traditionally, but these usually are kind
18 of short-lived things, somebody dies and they split
19 up. That's truth.
20 MS. FIREBAUGH: I'm not going to volunteer
21 to head them.
22 DR. WADE: What you're recommending is that
23 the reading should be "encourage and support the
24 development of forestry cooperatives for such
25 things . . ." Is that generally the Committee's --

1 MR. MAHFOOD: Uh-huh. Yeah.

2 DR. WADE: Encourage and support the

3 development of.

4 MR. SAUNDERS: Again, this is kind of

5 happening already. We have an agricultural innovation

6 center that's going to be working with University of

7 Missouri and DED to encourage the development of

8 value-added agricultural products, and so this

9 certainly could encompass, or this could be a part of

10 that, so it -- we have the mechanism there. It's just

11 that we need to create the interest in the industry.

12 DR. WADE: Is this new information to this,

13 Emily?

14 MS. FIREBAUGH: Yes, of course.

15 DR. WADE: Yes.

16 MS. FIREBAUGH: I have found that

17 agricultural cooperatives really are not that

18 protective. Is there some way that Jay or someone

19 could explain to me why we shouldn't put "consortium"

20 in there, some sort a consortium for marketing, better

21 than cooperative?

22 MR. LAW: I think it's kind up to the group

23 themselves to do that as to how they form themselves.

24 MS. FIREBAUGH: I mean, I don't want to form

25 a cooperative, but I would really like to see the

1 Department of Economic Development or the Department
2 of Agriculture help us form a consortium to help us
3 market our goods.

4 SENATOR CHILDERS: Different words.

5 MR. DAY: A different word would help them
6 out.

7 DR. WADE: Do you want to speak to that?

8 MR. SAUNDERS: Yes. And this innovation
9 center, it doesn't necessarily have to be a
10 cooperative. The term that's being used a lot
11 nowadays is the new generation coops which can be as
12 few as five members. But there is no reason -- why,
13 we have groups now that are -- have formed LLCs and
14 not a coop.

15 It just depends on the legal structure
16 that's necessary, but it really ends up being a
17 consortium. Like-minded individuals grouping together
18 either to market or process value-added products, so
19 it wouldn't be restrictive just to coops.

20 MS. FIREBAUGH: So I'm just fighting
21 semantics rather than the idea?

22 MR. SAUNDERS: I think so, yeah.

23 MR. DAY: And there are some very successful
24 coops going on.

25 DR. WADE: Yes, John.

1 MR. SMITH: I would call for the question.
2 DR. WADE: Okay. I will get there right
3 now.
4 MR. MAHFOOD: What is it?
5 DR. WADE: Chair?
6 MS. WEISS: Okay. Llona?
7 MS. WEISS: Smith.
8 MR. SMITH: Yes.
9 MS. WEISS: Bedan?
10 MR. BEDAN: Yes.
11 MS. WEISS: Childers?
12 SENATOR CHILDERS: Yes.
13 MS. WEISS: Conley?
14 MR. CONLEY: Yes.
15 MS. WEISS: Day?
16 MR. DAY: Yes.
17 MS. WEISS: Firebaugh?
18 MS. FIREBAUGH: Yes.
19 MS. WEISS: Garnett?
20 MR. GARNETT: Yes.
21 MS. WEISS: Law?
22 MR. LAW: Yes.
23 MS. WEISS: Mahfood?
24 MR. MAHFOOD: Yes.
25 MS. WEISS: Saunders?

1 MR. SAUNDERS: Yes.

2 DR. WADE: "Have a reward and/or incentive

3 to be given at the end of the Governor's Economic

4 Development Conference to a company demonstrating

5 outstanding performance in wood waste recovery."

6 Is there any discussion on this one?

7 Steve?

8 MR. MAHFOOD: Call for the question.

9 MS. WEISS: Okay. First, I have to find it.

10 MS. WEISS: Bedan?

11 MR. BEDAN: Yes.

12 MS. WEISS: Childers?

13 SENATOR CHILDERS: Yes.

14 MS. WEISS: Conley?

15 MR. CONLEY: Yes.

16 MS. WEISS: Day?

17 MR. DAY: Yes.

18 MS. WEISS: Firebaugh?

19 MS. FIREBAUGH: Abstain. No.

20 MS. WEISS: What is your --

21 MS. FIREBAUGH: No.

22 MS. WEISS: Garnett?

23 MR. GARNETT: Yes.

24 MS. WEISS: Law?

25 MR. LAW: No.

1 MS. WEISS: Mahfood?
2 MR. MAHFOOD: Yes.
3 MS. WEISS: Saunders?
4 MR. SAUNDERS: Yes.
5 MS. WEISS: Smith?
6 MR. SMITH: Yes.
7 MS. WEISS: Eight yes; two no.
8 DR. WADE: The final one under Economics,
9 "Applicants for State discretionary incentive should
10 include the name and credentials of the professional
11 forester who has responsibility for supervising timber
12 harvesting and procurement activities for the
13 applicant for the proposed new facility or expansion."
14 I had a hard time finding the context for
15 that one since we started putting these together.
16 Steve?
17 MR. MAHFOOD: Well, I was going to ask, what
18 does this relate to?
19 DR. WADE: If you notice, that has been
20 moved around all day. I kept looking for the context
21 for it. Never found it.
22 MR. MAHFOOD: It sounds good in a way, but
23 just because it flows, but I don't know what it
24 relates to, so it's pretty hard to --
25 MR. SAUNDERS: I think it could relate to

1 the value-added grant program.

2 MR. MAHFOOD: Is that what it is?

3 MR. SAUNDERS: So if -- if we have a group

4 come to the authority with a grant, I don't know as

5 it's necessary -- probably that would happen already,

6 but they would need -- if it's going to involve timber

7 harvesting, I would think it would be good to have a

8 professional forester or a certified logger or

9 someone, you know, involved. That's the only --

10 that's just my interpretation of maybe how that could

11 apply.

12 DR. WADE: Further discussion on this

13 recommendation?

14 Yes, Emily.

15 MS. FIREBAUGH: Yeah. You know, I've met

16 the supervising timber harvesters, the professional

17 foresters with some of the mill companies, and, you

18 know, they've recommended clear-cutting, so that --

19 that statement is not going to protect Missouri lands

20 from getting caught up in clear-cutting.

21 DR. WADE: David?

22 MR. BEDAN: I agree. It's not a very strong

23 recommendation and it doesn't go very far.

24 MR. MAHFOOD: No.

25 MR. BEDAN: But it might, for example, if

1 we're going to give money to people, it maybe requires
2 a little. I'm not sure how to do it, but if we're
3 handing out State money, it ought to be done in an
4 environmentally responsible way. But I don't know if
5 this gets to that. This is pretty weak. It is weak.

6 DR. WADE: Yes, Jerry.

7 MR. CONLEY: I really think it's too much
8 detail. When we start getting into spelling out
9 what's going to be on the application, it's too
10 detailed. It will take away from the overall report
11 as you're reading down through this stuff. All of a
12 sudden you come to this, it will stick out like a sore
13 thumb. It is telling us exactly how to do it. I
14 think we ought to drop it, really.

15 MS. FIREBAUGH: I make a motion we delete
16 this.

17 DR. WADE: You will have a chance to vote on
18 it.

19 MR. BEDAN: I don't understand that
20 commentary, because I think, if anything, it's -- it
21 doesn't say enough.

22 Somewhere -- we got into this, I think, way
23 back in the beginning when we were talking about DED's
24 discretionary incentives that they give out. We said
25 if DED is going to give out discretionary funds, the

1 project should have high -- high standards. Maybe
2 this needs to be rewritten to reflect that, because
3 this is fairly weak.

4 MR. MAHFOOD: I was going to say that I
5 don't like this one at all, but I like what David
6 said. You know, what we were talking about -- and I
7 can't remember how it went; it was nine months ago --
8 was State discretionary incentives.

9 I mean, that was the thing. We were trying
10 to figure out at one point something that you need to
11 do, you need to comply with, or need to say, or
12 whatever it is, if you're going to get State funds
13 for -- for a project. And beyond that, I can't
14 remember what the rest of it was.

15 I don't particularly like this, though.

16 DR. WADE: Yes.

17 MS. FIREBAUGH: One of the other things that
18 came up at the same time was, we were going to go back
19 and look at the tract record of that company in
20 another state. Remember that?

21 MR. MAHFOOD: Yeah.

22 MS. FIREBAUGH: So that was another part of
23 it.

24 MR. MAHFOOD: It's kind of due diligence.

25 SENATOR CHILDERS: Call for the question.

1 DR. WADE: Chair?
2 MR. MAHFOOD: Let's call for the question.
3 Llona?
4 MS. WEISS: Childers?
5 SENATOR CHILDERS: No.
6 MS. WEISS: Conley?
7 MR. CONLEY: No.
8 MS. WEISS: Day?
9 MR. DAY: No.
10 MS. WEISS: Firebaugh?
11 MS. FIREBAUGH: No.
12 MS. WEISS: Garnett?
13 MR. GARNETT: No.
14 MS. WEISS: Law?
15 MR. LAW: No.
16 MS. WEISS: Mahfood?
17 MR. MAHFOOD: No.
18 MS. WEISS: Saunders?
19 MR. SAUNDERS: No.
20 MS. WEISS: Smith?
21 MR. SMITH: No.
22 MS. WEISS: Bedan?
23 MR. BEDAN: No.
24 MS. WEISS: All negative.
25 DR. WADE: "Statewide certification training

1 program for loggers."

2 MR. DAY: Is that -- are we referring to

3 mandatory or voluntary?

4 DR. WADE: That is not in the statement yet.

5 MS. FIREBAUGH: Yet.

6 MR. DAY: I would like to see you put the

7 word "voluntary" in that sentence.

8 DR. WADE: The suggestion has been made

9 to make it, voluntary statewide certification training

10 program for loggers.

11 Is that the Committee's -- David?

12 MR. BEDAN: I don't think that would be my

13 preference. If you're going to change it voluntary I

14 think we need to vote on that word.

15 DR. WADE: Jay?

16 MR. LAW: I guess mine down there says the

17 same thing, "Loggers and timber buyers be registered

18 and licensed by a board." I guess I don't -- I don't

19 know where that is, but, I mean, the DED, and I saw

20 that as one step in bringing best management practices

21 to harvesting of privately owned timberlands to help

22 landowners acquire services, and I just support the

23 idea of a registration or licensing following

24 training?

25 MR. SMITH: Mandatory?

1 MR. LAW: Mandatory.

2 MR. BEDAN: Maybe we should vote on that one

3 first.

4 MR. SMITH: That would make sense.

5 SENATOR CHILDERS: Vote on --

6 MR. SMITH: The last -- mandatory first.

7 DR. WADE: Emily?

8 MS. FIREBAUGH: When you say "timber buyer,"

9 are you talking about the guy who comes knocking on --

10 MR. LAW: Yes.

11 MS. FIREBAUGH: -- Joe Smith's house out in

12 the middle of 80 acres --

13 MR. LAW: Yeah.

14 MS. FIREBAUGH: -- that timber buyer?

15 MR. LAW: Yeah.

16 DR. WADE: Yes.

17 SENATOR CHILDERS: The only thing that

18 bothers me about when we go mandatory is how many

19 people are then going to not even get someone? I

20 don't know how you can force someone to bring in a

21 logger who -- to cut your land.

22 If I want somebody to cut my trees and you

23 tell me I've got to go out and get a certain person,

24 you're really infringing on my ability to contract.

25 And I think there is a real constitutional question

1 there when you do that, because if I want to contract
2 someone to cut my trees and you tell me I can't do
3 it -- I mean, that's a big lawsuit going on right now
4 in several other parts of the country on that very
5 issue. So I -- I would have a problem with mandating
6 who I can hire to do something.

7 MR. LAW: What I would see is if you call
8 yourself a landowner or a timber buyer that you are
9 licensed by the State, and those are the people that
10 would work in the state. You have a license that
11 allows you to operate under your licensing, just like
12 going to a doctor.

13 MR. BEDAN: You mean logger, not a
14 landowner?

15 MR. LAW: Yeah.

16 MR. BEDAN: You said landowner.

17 MR. LAW: Oh, logger, yeah.

18 It's like going to a doctor, and he's got a
19 license up on the wall, he or she. I feel a lot more
20 comfortable if there is a state license up there than
21 to go into someplace that says, oh, yeah, I practice
22 medicine. Come on in and sit down and I'll see if I
23 can fix you.

24 SENATOR CHILDERS: Are we going to then
25 license farmers so if I want to buy food I have to

1 find a licensed farmer to buy food from?

2 MR. LAW: We're looking at the person who

3 earns their money full-time in the timber industry.

4 MR. DAY: But, again, what's the difference

5 between that and the guy that makes his living

6 full-time in the production of agriculture?

7 MS. FIREBAUGH: Exactly.

8 MR. LAW: If it's on your own land and you

9 want to get your neighbor to come in and cut it

10 whenever you want to cut, yeah, I'll cut your timber.

11 I just think registration or licensing is important to

12 see that we get best management practices.

13 DR. WADE: David?

14 MR. BEDAN: I think the analogy is for

15 someone who wants to go out and get someone to apply

16 pesticides on your land. Those people have to be

17 trained and licensed. It's the wrong analogy to make

18 an analogy to a farmer harvesting his own crops.

19 MR. DAY: I agree. In one you're handling

20 chemicals, and in one you're handling trees.

21 MR. BEDAN: And here you're handling the

22 land.

23 MR. DAY: You do that in farming.

24 DR. WADE: Emily?

25 MS. FIREBAUGH: I have no problem with

1 licensing of anyone as long as it's voluntary, but
2 what are you going to do about somebody like me who
3 doesn't want to work within that loop and I go out and
4 get five of my nephews to do my harvest for me.

5 MR. LAW: Family members?

6 MS. FIREBAUGH: I can do as much harm.

7 DR. WADE: Dave?

8 MR. LAW: This ain't for people that aren't
9 knowledgeable.

10 MS. FIREBAUGH: You don't know my nephews.

11 MR. MAHFOOD: I mean, there is a lot of face
12 value discussions. You know, I guess we all can find
13 some comparisons that may or may not fit.

14 I guess my closest comparison is talking
15 about -- and it's a contentious area -- is well
16 drillers. You know, well drillers are now certified,
17 and it's a tough job to do that because they've been
18 reluctant to be certified.

19 But we also have some of the highest rates
20 of any state in the nation of complaints about wells
21 that have been drilled and problems with wells. And
22 it's something -- I think it's evolved over many, many
23 years, but it's more what I would compare this to, is
24 more on the well drilling.

25 And the fact -- I mean, you just brought up,

1 Senator and Emily, you just brought up a couple of
2 instances right away. I would assume when you write a
3 law, or something, you would have to have it excepted.
4 Like a lot of these things, you'd have to be excepted
5 out, and it's not going to hit every -- every
6 situation. I mean, I would have the same concerns, I
7 mean, family members, but that's not the normal
8 occurrence, would not be family members.

9 MS. FIREBAUGH: Let me finish this dialogue
10 with him.

11 Okay. So every well that's now drilled in
12 the state of Missouri is done by a licensed well
13 driller.

14 MR. MAHFOOD: Supposed to be. It's supposed
15 to be. Yes, it is.

16 MS. FIREBAUGH: And you got that put into
17 place.

18 What if it's not drilled by one of those
19 people?

20 MR. MAHFOOD: I really can't repeat chapter
21 and verse what happens. I mean, there is nothing that
22 happens to the landowner, but you don't get a
23 certified -- you don't get the well certified, and
24 it's -- if I remember rightly, it's punitive, so to
25 speak, and it's fairly weak against the -- against the

1 well driller.

2 They are supposed to supply information
3 and -- for poking holes, and, of course, geology, the
4 more poles, the more intrusion and the more problems
5 we can have with contaminating aquifers and public
6 health issues.

7 But it's not -- it's another one of these
8 laws like we talked about over here. It doesn't have
9 terrible ramifications, so that's why we try to work
10 with this industry because it's for the good of the
11 consumer to do it. But it's been -- it's been a real
12 tough job to do it.

13 DR. WADE: Doyle?

14 SENATOR CHILDERS: Didn't we exempt
15 agricultural wells?

16 MR. MAHFOOD: Yes.

17 SENATOR CHILDERS: I thought we did on that.

18 MR. MAHFOOD: Yeah. Yeah. There is a lot
19 of exemptions, Senator, on that -- on that particular
20 bill. And it really focused just on drinking water
21 wells drilled by a contractor for somebody.

22 SENATOR CHILDERS: It comes to that point.
23 That has the potential of harming other people --

24 MR. MAHFOOD: Right.

25 SENATOR CHILDERS: -- whereas, if you go out

1 and cut your timber, that's a crop that you're
2 cutting, and if you -- you know, we've put some things
3 in now with 40 -- over 40 acres, which that has the
4 potential to do more damage. Obviously, you could do
5 some damage.

6 It just worries me when you go to a
7 mandatory problem that's mandatory over the landowner
8 that may not be impacting anyone else because they
9 want to cut their timber, and that's impacting someone
10 else's livelihood who may have a good capacity to
11 handle that. You know, it just seems like we're
12 stretching pretty far. I mean, that's my thought on
13 it.

14 DR. WADE: Okay. Any more -- David?

15 MR. BEDAN: New issue: We talked about it
16 briefly last night, and Joe Driskill suggested that
17 DED was not the appropriate place to have a licensing
18 board. We might want to consider amending that. I
19 think he had suggested Conservation, but in any
20 case --

21 MS. FIREBAUGH: When I brought up surveyors,
22 he went along with it. When I brought up surveyors to
23 Joe last night, he went along with it.

24 DR. WADE: Steve?

25 MR. MAHFOOD: Yeah. I was just going to

1 say -- I mean, I've talked to Joe a little bit about
2 this.

3 There are differences of opinion about how
4 far we go with this thing. I think there is just so
5 much of what we're talking about that the Department
6 of Economic Development just gets stretched thin on
7 dealing with all of these issues.

8 But State geologists are regulated, land
9 surveyors. They are all in DED. I mean, that's --
10 that's kind of the normal approach.

11 MR. BEDAN: Well, do we have to specify
12 where it is? Could we just say "licensed by a board"
13 and not -- let the Legislature decide.

14 MR. MAHFOOD: Yeah. You don't have to -- of
15 course.

16 MR. LAW: Take that out.

17 DR. WADE: Let's take MDED out.

18 MR. SAUNDERS: There is a little difference
19 between certification and licensing. Is there a trade
20 association in the state that we could encourage a
21 certification program on that would be voluntary for
22 loggers if they -- and go that route and see what kind
23 of response we get and -- rather than putting it in a
24 State agency and mandating licensing?

25 DR. WADE: My sense is that the request to

1 address this one first will answer that question --

2 MR. SAUNDERS: Okay.

3 DR. WADE: -- that this is the one that

4 basically makes it mandatory, so the vote on this

5 would determine where the group goes on the next step.

6 David?

7 MR. BEDAN: I think we already have a

8 voluntary logger certification program conducted by

9 Missouri Forest Products Association. Is that right,

10 John?

11 MR. SMITH: Yes, that is the name. It's in

12 the works, yes.

13 MR. BEDAN: I think the real issue is, do we

14 want to go beyond industry certification to State

15 licensing?

16 MS. FIREBAUGH: John, we decided early on to

17 go on with licensing. We had Earl Cannon do research

18 on how much it would cost. I think Earl gave us a

19 piece of paper that said it's \$125,000 to handle the

20 paperwork. The Committee has already decided that we

21 wanted to go on with licensing.

22 MR. SAUNDERS: Fine. I'm sorry.

23 MS. FIREBAUGH: If I remember that

24 correctly, that's what we had Earl research for us.

25 DR. WADE: Jay?

1 MR. LAW: One thing with license -- two
2 things: One is it's just another way to do best
3 management practices with land. The other thing, we
4 could train and certify our loggers here in Missouri,
5 but a lot of what is happening out there that we're
6 not happy with are people coming in, like the outfit
7 down in Mississippi. They're buying up the land and
8 sending their loggers in and they take it and they go.

9 So if you don't have some requirement that
10 you have to have a Missouri license to buy timber or
11 to cut timber, then you're wide open for anybody else
12 that wants to come in, and you don't get -- again,
13 what we're protecting is the soil and water of
14 Missouri, is what I thought we were trying to get at.

15 DR. WADE: Doyle?

16 SENATOR CHILDERS: Jay has an excellent
17 point there with that. I also worry about that.

18 I jotted down some other wording here as we
19 listened to this debate just to say, create incentives
20 for voluntary logger certification and encourage the
21 use of such trained loggers in timber harvesting.

22 Now, that's going kind of against the
23 mandatory, but at least it brings in the purpose is to
24 encourage the use of the certified logger in there and
25 try to get it to where people will want to be

1 certified because the landowner would want that.

2 MR. LAW: I think that's going to come up --

3 if this fails, I think we can go into something like

4 that.

5 DR. WADE: Further discussion on this?

6 Mr. Chairman?

7 MR. MAHFOOD: Okay. Call for the question.

8 DR. WADE: "Loggers and timber buyers be

9 registered or licensed by a board as one step towards

10 bringing best management practices into the harvesting

11 of privately owned timber and help landowners acquire

12 the services of trained loggers."

13 MS. WEISS: Conley?

14 MR. CONLEY: Again, this is mandatory

15 registered and licensed by a board.

16 No.

17 MS. WEISS: Day?

18 MR. DAY: No.

19 MS. WEISS: Firebaugh?

20 MS. FIREBAUGH: Yes.

21 MS. WEISS: Garnett?

22 MR. GARNETT: No.

23 MS. WEISS: Goode?

24 (No response.)

25 MS. WEISS: Law?

1 MR. LAW: Yes.
2 MS. WEISS: Mahfood?
3 MR. MAHFOOD: Yes.
4 MS. WEISS: Saunders?
5 MR. SAUNDERS: Yes.
6 MS. WEISS: Smith?
7 MR. SMITH: No.
8 MS. WEISS: Bedan?
9 MR. BEDAN: Yes.
10 MS. WEISS: Childers?
11 SENATOR CHILDERS: No.
12 MS. WEISS: Five to five.
13 MR. MAHFOOD: I've been waiting for one of
14 those.
15 DR. WADE: It's not supported.
16 MR. MAHFOOD: That's the rule.
17 MS. FIREBAUGH: Oh, don't let him off the
18 hook.
19 MR. MAHFOOD: That's the rule.
20 SENATOR CHILDERS: That's the rule.
21 I would move to use this language, or if
22 others have language similar that they want to use,
23 create incentives for volunteer log -- for voluntary
24 logger certification and encourage the use of such
25 trained loggers in timber harvesting.

1 DR. WADE: Can that be a rewrite of (C), or
2 is that something different?

3 SENATOR CHILDERS: It just says "voluntary,"
4 but, see, then you've got requiring a certified logger
5 be on-site. That goes beyond it.

6 DR. WADE: Okay. Do you want to write that
7 as a new one?

8 SENATOR CHILDERS: Here it is.

9 MR. MAHFOOD: What about (A) at the top, is
10 that the new --

11 DR. WADE: Hold on. Can we simply do a
12 rewrite on (A?)

13 SENATOR CHILDERS: Yeah.

14 DR. WADE: Let's do a rewrite on (A.)

15 SENATOR CHILDERS: Oh, okay, to be
16 voluntary.

17 DR. WADE: Okay. Can we focus our attention
18 on this recommendation, a rewrite of (A): "Create
19 incentives for voluntary logger certification and
20 encourage the use of such trained loggers in timber
21 harvesting."
22 John?

23 MR. SMITH: I would like to see something
24 that -- in there that would recognize the
25 certification program that's already in place, the

1 Missouri Forest Products Association's Logger
2 Training, which has been a great success and is done
3 cooperatively with MDC. Certainly --

4 DR. WADE: Could you suggest --

5 MR. SMITH: Certainly, we need to create
6 incentives for that, but maybe we should add "for the
7 voluntary program sponsored by Missouri Forest
8 Products," because that's an ongoing program right
9 now.

10 SENATOR CHILDERS: Could we say "support,"
11 and just delete the --

12 DR. WADE: Support the present statewide
13 certification training program for loggers and create
14 incentives --

15 MR. SMITH: That would cover it.

16 MS. ALICE GELLER: Support present --

17 DR. WADE: Yeah, support existing state --

18 MS. ALICE GELLER: The existing what?

19 DR. WADE: What's on top, "statewide
20 certification training program and create" -- yeah.
21 Okay.

22 Is that --

23 MR. SMITH: I think that would be helpful,
24 because it already -- there is a program out there
25 that is successful. It probably -- it could do a lot

1 more with more funding and more support.

2 MS. FIREBAUGH: In the discussion in the
3 months past when we were talking about this, did we or
4 did your MF--

5 MR. SMITH: --PA.

6 MS. FIREBAUGH: Thank you.

7 -- talk about or get enacted a discount on
8 your premiums for workman's compensation? That was
9 all in the discussion as the incentive.

10 MR. SMITH: Well, that's -- you know, that's
11 up to the individual insurance companies and that sort
12 of thing. It's really difficult to -- I mean, that's
13 not for MFPA to say that you're going to get a
14 discount because that involves the individual
15 insurance companies and what their policies are.

16 But, certainly, it's helpful to have that,
17 and I'm sure most insurance companies would look
18 favorably upon this.

19 MR. BEDAN: Following up on that question,
20 what would be the incentives for a landowner to use a
21 certified logger? I haven't heard any actual
22 incentives mentioned.

23 I'm a landowner. I'm going to log. Why
24 should I get a certified logger?

25 MR. DAY: I think this says incentive is to

1 become certified.

2 DR. WADE: Is there any discussion on the
3 recommendation as stated?

4 MR. BEDAN: I think it's -- it's very weak.
5 I don't see that it does anything beyond what we have
6 now, unless we can specify some strong incentives. I
7 don't see what it does.

8 DR. WADE: John?

9 MR. SMITH: Well, I think one of the
10 incentives is just your best interest. If you have
11 someone who's trained doing logging, I think you're
12 going to get a better job and should be -- should
13 be -- they are going to be trained on BMPs and be more
14 sensitive to those concerns.

15 But I think it would be important for this
16 to be -- for us to say that we support that effort,
17 because it is an ongoing effort, and it has made some
18 difference out in the field. It needs to be expanded.
19 It needs -- more loggers need to be trained.

20 DR. WADE: Yes, Jay.

21 MR. LAW: On the certification, you're
22 including, of course, MDC as a partner with MFPA?

23 MR. SMITH: Yes.

24 MR. LAW: And what would their role be?
25 Would they be the holder and the maintainers of the

1 certification listing those that would have completed
2 so they can have a certification of those people?

3 MR. SMITH: They have helped in training --

4 MR. LAW: Yeah, I know.

5 MR. SMITH: -- training course, and, also,
6 they have a requirement going into effect -- I guess
7 maybe it is in effect.

8 MR. CONLEY: July 1st.

9 MR. SMITH: -- July 1st that all people who
10 log on their land would be trained. And that's been a
11 big incentive to get people to take the course.

12 MR. LAW: But is -- what I'm trying to get
13 at, is there some way that either MFPA or the MDC can
14 make this information known to people who are
15 interested in having their timber harvested?

16 MR. SMITH: Oh, yes. I think that could be
17 done.

18 MR. LAW: Maintaining a list of certified --

19 MR. SMITH: Yes.

20 MR. LAW: I guess there is at least a means
21 of certification by industry.

22 MR. SMITH: They would be in the -- in the
23 MFPA directory and that would be information readily
24 available to them.

25 SENATOR CHILDERS: If I could ask a

1 question.

2 Would it help here if we were to add at the

3 end of this, and establish a list of such certified

4 loggers -- establish a listing of such certified

5 loggers? Would that be helpful?

6 MR. LAW: Maintaining a list?

7 SENATOR CHILDERS: Or maintain a list. If

8 there is not one, established it.

9 DR. WADE: I sense -- go ahead.

10 Is there any -- any discussion -- further

11 discussion on this recommendation?

12 MR. MAHFOOD: Call for the question.

13 Llona?

14 MS. WEISS: Okay.

15 DR. WADE: I probably need to read this now.

16 MR. MAHFOOD: Okay.

17 DR. WADE: "Support the existing statewide

18 certification training program for loggers and create

19 incentives for voluntary logger certification and

20 encourage the use of such trained loggers in timber

21 harvesting, and maintain a list of such certified

22 loggers."

23 MR. MAHFOOD: Okay. Llona?

24 MS. WEISS: Day?

25 MR. DAY: Yes.

1 MS. WEISS: Firebaugh?
2 MS. FIREBAUGH: Yes.
3 MS. WEISS: Garnett?
4 MR. GARNETT: Yes.
5 MS. WEISS: Law?
6 MR. LAW: Yes.
7 MS. WEISS: Mahfood?
8 MR. MAHFOOD: Yes.
9 MS. WEISS: Saunders?
10 MR. SAUNDERS: Yes.
11 MS. WEISS: Smith?
12 MR. SMITH: Yes.
13 MS. WEISS: Bedan?
14 (No response.)
15 MS. WEISS: Childers?
16 SENATOR CHILDERS: Yes.
17 MS. WEISS: Conley?
18 MR. CONLEY: Yes.
19 MS. WEISS: Nine yes.
20 DR. WADE: "Form a coalition of large forest
21 landowners that would agree to use only trained
22 loggers and implement sustainable forestry
23 principles."
24 MR. GARNETT: Encourage the formation.
25 DR. WADE: Encourage the formation.

1 Emily?

2 MS. FIREBAUGH: Are you sure you want large
3 forest landowners? You don't want it just forest
4 landowners? You can do as much harm to 20 acres as
5 you can to 20,000.

6 DR. WADE: The suggestion is we take "large"
7 out. Is that agreeable?

8 MR. MAHFOOD: I'm not sure. I -- not to
9 agree or disagree, Emily, but I'm not sure that's what
10 the intent was.

11 I remember part of the discussion was to --
12 again, I -- my recollection is to kind of set the
13 example. The larger landowners might be the ones
14 that -- to have the larger landowners in the rule, it
15 would make -- would make -- it would make the example
16 and set the stage for how we should be doing that.
17 Again, I'm not saying whether it should be large or
18 small, but I think the intent was for large.

19 MS. FIREBAUGH: Is Funk's Branch large or
20 small? I've got a real problem with Funk's Branch.

21 DR. WADE: Jay?

22 MR. LAW: We've really got to be a little
23 bit careful. Worst case scenario, all of the people
24 get together over at Madison County, except they don't
25 want Emily in, and they form this consortium to sell

1 their timber.

2 MS. FIREBAUGH: That could happen.

3 MR. LAW: And Emily's sitting there, looking

4 at her culls and no place to take them. I don't think

5 we -- you know, I think we've got to talk about

6 supporting cooperatives. I just -- I get kind of

7 nervous when we start trying to form these groups in

8 here by our edicts. If it's economically feasible, it

9 happens.

10 DR. WADE: John?

11 MR. LAW: And I can sure hear us complaining

12 if there becomes some sort of an eke out there that's

13 marketing that's gotten all of their timber sold.

14 DR. WADE: John?

15 MR. LAW: Kind of like the national forest.

16 MR. SMITH: Well, Jay, this -- this very

17 thing is happening right now.

18 MR. LAW: Yeah. Yeah.

19 MR. SMITH: We have -- a group of us large

20 landowners and interested people are meeting to -- to

21 agree to use only trained loggers and implement the

22 sustainable forestry principles. I mean, that's --

23 that's happening. There is a group called Value

24 Missouri, and we're forming to do this. I don't know

25 if we need to encourage that or discourage it.

1 MR. LAW: It's a good idea what you're
2 doing. I just, you know, was getting to the
3 consortium.

4 DR. WADE: Steve?

5 MR. MAHFOOD: I think this is -- I, frankly,
6 would -- not that it excludes large, and that's fine,
7 because that may happen. I like the idea because it's
8 a voluntary thing. I'd like to encourage a coalition
9 of forest landowners that would agree to do this. I
10 mean, to me that's -- that's a positive act. It says
11 we support that.

12 I wouldn't mind taking the word "large" out
13 of that, because it's not definable, or at least we
14 might spend the rest of today defining "large," and
15 just -- and vote on it on that basis and just . . .

16 John, I know, doesn't need to see this for
17 him to move ahead, but there are other people in the
18 state that might not -- that might think about this
19 kind of thing, and if they know that that was -- we
20 were encouraging that and it was voluntary, I think
21 it's a good thing to do.

22 DR. WADE: Take the word "large" out, and if
23 there is no complaints, Chair.

24 MR. MAHFOOD: Okay. Let's call for the
25 vote.

1 Llonna?
2 MS. WEISS: Firebaugh?
3 MS. FIREBAUGH: No.
4 MS. WEISS: Garnett?
5 MR. GARNETT: Yes.
6 MS. WEISS: Goode?
7 (No response.)
8 MS. WEISS: Law?
9 MR. LAW: Yes.
10 MS. WEISS: Mahfood?
11 MR. MAHFOOD: Yes.
12 MS. WEISS: Saunders?
13 MR. SAUNDERS: Yes.
14 MS. WEISS: Smith?
15 MR. SMITH: Yes.
16 MS. WEISS: Bedan?
17 MR. BEDAN: Yes.
18 MS. WEISS: Childers?
19 SENATOR CHILDERS: Yes.
20 MS. WEISS: Conley?
21 MR. CONLEY: Yes.
22 MS. WEISS: Day?
23 MR. DAY: Yes.
24 DR. WADE: Okay. We have two issues left
25 under this that we have put off from last night until

1 we dealt with this whole issue with logger
2 certification.

3 "Establish a board for professional loggers
4 in the Division of Professional Registration of
5 Missouri's Department of Economic Development."

6 We have had extensive conversation on that.
7 Are there any new points to be made on this?

8 (No response.)

9 DR. WADE: Chair?

10 MR. MAHFOOD: Okay. We want to call for the
11 vote.

12 MS. WEISS: Wait a minute. I don't have it.

13 MR. MAHFOOD: Okay. Hang on just a second.

14 DR. WADE: Yes.

15 MR. MAHFOOD: Jerry, I'm sorry. I'm going
16 to ask a question here.

17 I'm trying to see what we have already
18 approved and where this -- okay. We've got our
19 statewide certification program. We've got -- that's
20 for loggers.

21 MS. ALICE GELLER: I think it was the 50/50
22 vote. Registration and licensing, it was the 50/50
23 vote.

24 MR. SMITH: Is that the same thing as what
25 we just voted on?

1 MR. MAHFOOD: It seems like it.
2 All right. Are you guys ready?
3 MS. WEISS: Uh-huh.
4 MR. MAHFOOD: Let's go ahead. It's quicker
5 to just go -- I'm sorry?
6 MR. SAUNDERS: What are we voting on?
7 MR. MAHFOOD: We're voting on --
8 MR. SAUNDERS: Is it (B)?
9 MR. MAHFOOD: Yeah, we're voting on that
10 one. It is similar to the one we just voted on.
11 MS. WEISS: Garnett?
12 MR. GARNETT: No.
13 MS. WEISS: Law?
14 MR. LAW: No.
15 MS. WEISS: Mahfood?
16 MR. MAHFOOD: No.
17 MS. WEISS: Saunders?
18 MR. SAUNDERS: No.
19 MS. WEISS: Smith?
20 MR. SMITH: No.
21 MS. WEISS: Bedan?
22 MR. BEDAN: Abstain.
23 MS. WEISS: Childers?
24 SENATOR CHILDERS: No.
25 MS. WEISS: Conley?

1 MR. CONLEY: No.

2 MS. WEISS: Day?

3 MR. DAY: No.

4 MS. WEISS: Firebaugh?

5 MS. FIREBAUGH: Abstain.

6 MS. WEISS: Foster?

7 (No response.)

8 MS. WEISS: That's it. Eight no and two

9 abstain.

10 DR. WADE: "Create incentives for logger

11 certification by requiring that a certified logger be

12 on-site during harvesting."

13 MR. SMITH: I think we've talked about this

14 one also. I mean, this falls in about the same vein

15 as the other.

16 MR. MAHFOOD: Call for the question.

17 DR. WADE: Okay. Roll call?

18 MR. MAHFOOD: Wait a minute.

19 MR. BEDAN: This is a little bit different.

20 This is a variation because certification applies to

21 voluntary certification. You choose to be certified

22 or not, and Missouri Forest Products Association may

23 be doing the certifying rather than a governmental

24 agency, but then you create incentives to use those

25 certified loggers. This is not the same as the one we

1 voted 50/50 on. This is a variation on the one we
2 approved.

3 DR. WADE: Yes.

4 SENATOR CHILDERS: To follow up on that, the
5 key word here is "requiring," so you couldn't -- you
6 couldn't do any logging unless you have certified
7 loggers, so it goes back to the mandatory logging
8 certification, so it is back to the original question.

9 MR. BEDAN: But it's not a government
10 registered -- it's not a government license.

11 SENATOR CHILDERS: But you're requiring
12 them.

13 MR. BEDAN: But you are not requiring them
14 to get a government license. That's the difference.

15 DR. WADE: John?

16 MR. SMITH: Well, I -- you know, as good as
17 our certification program is, I don't know that it
18 should be necessarily required. We'd certainly hope
19 that everyone would use -- use this, but I don't know
20 that requiring it be on-site is something that we
21 should do.

22 DR. WADE: My interpretation of that is that
23 there would have to be a certified logger, at least
24 one, in a logging crew. I think that's what makes
25 this a little different.

1 Is there further discussion on this?

2 Emily?

3 MS. FIREBAUGH: Who is doing the certifying?

4 MR. SMITH: Well, the -- it's my

5 understanding we've already -- I mean, we already have

6 a certification program in the state done by MFPA.

7 MR. BEDAN: This is sort of a compromise

8 position in a way. It doesn't say every logger has to

9 be certified, and it doesn't say you need to have a

10 license. So it is a weaker -- it is a little bit

11 stronger than what we passed earlier, but it is weaker

12 than licensing.

13 DR. WADE: Steve?

14 MR. MAHFOOD: Let me make sure that I

15 understand this, too. I was just trying to find

16 analogies again.

17 So we would have -- just playing this out,

18 if you had a couple of people that were loggers, or

19 you had ten loggers and they had little company X in

20 Dent County, and nine of the people weren't certified,

21 so they went out and did all of this work, but when a

22 harvesting took place, the lead person who was

23 certified is at the -- on-site?

24 I mean, I'm trying to find -- David, is that

25 kind of what you were thinking that the version would

1 be --

2 MR. BEDAN: Yeah.

3 MR. MAHFOOD: -- so you don't have to

4 have -- the certified logger doesn't have to be there

5 for the whole process, but during harvesting, you need

6 somebody who knows what they're doing?

7 MR. BEDAN: Looking for an analogy, it might

8 be an analogy to registered professional engineers.

9 That doesn't mean every engineer in the firm is

10 registered.

11 MR. MAHFOOD: That's right. That's the

12 same.

13 MR. BEDAN: But somebody has to put the

14 stamp on there, and that person has to be registered.

15 That would be kind of similar.

16 DR. WADE: Emily?

17 MS. FIREBAUGH: Staying on this line of

18 registered engineers, if I -- if I have a project that

19 has to be done by a registered engineer, I want the

20 State to register that engineer, not the state

21 professional association of registered engineers.

22 So this is where I'm having a problem with

23 MFPA handling the certification and then the State

24 requiring it. If we're going to have the State

25 require it, then let's have the State do the

1 certification.

2 DR. WADE: Is there further discussion on --
3 yes.

4 MR. MAHFOOD: Just one. I didn't -- I know
5 we've been talking, but I didn't see that -- that
6 decision having been made yet in this -- this is so
7 bare bones, it just --

8 MS. FIREBAUGH: We just passed a couple of
9 things that let them off the hook, and now it says,
10 requiring that a certified logger, but the only
11 requirement that we have so far is that the logger be
12 certified by the MFPA. We have not said it has to be
13 done by the State.

14 MR. MAHFOOD: I guess that's why B) and
15 (C) --

16 MR. LAW: Is this a burden on the landowner
17 here? In other words, the landowner would have to see
18 that they have that on their site when they are doing
19 the harvesting. And if they don't have one on there,
20 there must be a penalty, I assume; is that right?

21 MR. MAHFOOD: That's not how I interpret it.
22 Again, I'm back to the analogies of what I know like
23 the engineers and things like that.

24 It's the -- a lot of people contracting for
25 engineering services don't know what they need, but

1 somebody knows in the firm that those drawings and
2 things are not official without that stamp. And so to
3 me it's not on the owner. It's on the people doing
4 the logging. That -- again, I'm not saying right or
5 wrong, but that's how I interpret this. It's the
6 logger's responsibility.

7 MS. FIREBAUGH: And it's not the
8 professional group that -- organization that approves
9 the engineer. It's the State who approves and
10 registers the engineer, getting back to that point.

11 MR. MAHFOOD: Yeah.

12 MS. FIREBAUGH: Okay. That's what I wanted
13 to understand for sure.

14 DR. WADE: Go ahead.

15 SENATOR CHILDERS: It still comes back to
16 who is requiring it. Is it required by the landowner?
17 Is it required by the Department of Conservation, by
18 Natural Resources?

19 Apparently, the State is requiring that
20 they're there now. If they are not there, who
21 suffers? Is it the landowner because they can't
22 harvest?

23 You know, we're back again to mandatory or
24 voluntary, because when you say they are required to
25 be there, then you are creating that mandatory/

1 voluntary situation again.

2 MS. FIREBAUGH: Well, if it's MFPA that's
3 giving the certification, then MFPA should be the one
4 that makes it either mandatory or voluntary, but not
5 the State.

6 SENATOR CHILDERS: No. You're missing my
7 point.

8 The thing that I'm asking about is, if the
9 landowner can't harvest, it's the landowner that's
10 being penalized.

11 MS. FIREBAUGH: Yeah. But I may not want to
12 deal with a MFPA-certified logger.

13 MR. DAY: Then --

14 SENATOR CHILDERS: That's what I'm saying.
15 This would require you to.

16 MS. FIREBAUGH: Unless the State requires me
17 to. I don't have to listen to MFPA.

18 SENATOR CHILDERS: No. The State -- no
19 private association can require you to do anything.
20 The only thing that can require you to do anything is
21 government.

22 MS. FIREBAUGH: Well, why is the State going
23 to charge me to use -- I mean, going to say, You have
24 to use a certified logger that is being certified --

25 SENATOR CHILDERS: That's my point.

1 MS. FIREBAUGH: Okay. That's my point.

2 We either come back and take the initiative
3 and say, We have to have State-registered loggers, or
4 forget all of the rest of it, because I'm not going to
5 let any State regulate me unless they regulate the
6 people I have to deal with.

7 DR. WADE: David?

8 MR. BEDAN: What if we amend this to say,
9 require that a licensed logger be on-site, but that
10 doesn't mean every logger has to get licensed.

11 MR. BRYAN: This might help. There is a
12 distinction between certification and licensing at the
13 State level. Licensing is what we're all familiar
14 with, doctors and engineers. Lawyers are licensed.
15 There is a board that supervises them. Most of them
16 except for lawyers are assigned to the Department of
17 Economic Development.

18 Certification, on the other hand, the State
19 does that in a variety of ways. The most current
20 example I can think of is CAFO operator certification.
21 If you want -- if your job is to land-apply effluent
22 from a concentrated animal feeding operation, the
23 Department of Natural Resources' Technical Assistance
24 Program certifies training. By rule, you get a
25 certificate from DNR that authorizes you to go out and

1 get a job to land-apply fertilizer.

2 That doesn't have the same thing that the
3 licensing regulation does, but it assures you that the
4 person that's going to land-apply effluent from a
5 neighbor's hog farm on your property, that they are
6 going to know how to do it and they are going to do it
7 in a way the State approves of.

8 That might work here. I don't know. But
9 there is a legal distinction when you say
10 certification by the State and licensing by the State.

11 MS. FIREBAUGH: Once again, I bring us back
12 to Earl's research that he did for our Committee that
13 we decide that we wanted licensing.

14 MR. LAW: Or certification, I thought. We
15 voted on licensing.

16 MS. FIREBAUGH: I think we voted "yes" for
17 licensing.

18 No, no. I mean, a couple of months ago when
19 we had Earl doing the research for us.

20 DR. BERNIE LEWIS: I just wanted to point
21 out, that distinction between registration, licensing
22 and certification is discussed in the draft report,
23 Page 80-81, the differences, Missouri's difference,
24 et cetera.

25 DR. WADE: David?

1 MR. BEDAN: Jerry, can I suggest, since we
2 had a split vote on licensing, and there seems to be a
3 great deal of confusion on this, that maybe we ought
4 to hold this over until the next meeting and have a
5 presentation maybe by Bill on the meaning of these
6 different concepts, because I don't -- I hate to leave
7 it between, you know, total requirement for licensing
8 and total voluntary certification.

9 It seems to me there is maybe a middle
10 position in there somewhere that we haven't adequately
11 explored. And Bill's comment about certification by
12 the State kind of opens up the door to that.
13 Certification is a much less onerous requirement than
14 licensing.

15 And then the second thing that would make it
16 less onerous is to say, you only need one certified
17 logger on-site, so there would be two steps down from
18 full licensing of every logger.

19 DR. WADE: Jay?

20 MR. LAW: Well, could we just put up there,
21 require that a MDC-certified logger -- that one
22 certified logger be on-site during harvesting?

23 MR. DAY: Put it up to a vote.

24 MS. FIREBAUGH: I promise this will be my
25 last comment. But, you know what? We're going to

1 have to take a step in someplace, and we're not going
2 to do it on private property issues. We're not going
3 to do it on chip mills. We've got to do it on
4 somebody that's in this trade.

5 And the logger is the first step into the
6 industry of logging, chipping, value-added, whatever
7 else, and if we can regulate with State licensing
8 somebody who can cut my hair, I don't see why we can't
9 State license somebody who cuts my trees. It's not
10 that hard. Let's get the guts to license somebody.

11 MR. DAY: But, Emily, you can go to anybody
12 you want and let them cut your hair. You chose to go
13 to one that's licensed. That's your option.

14 MS. FIREBAUGH: I can also have anybody do
15 my trees, but I'm going to be real smart sometime and
16 decide, there has going to be somebody out there
17 better to cut this hair or my trees, and let's start
18 out with the logger.

19 First of all, they've got the weakest
20 lobbying group.

21 MR. BEDAN: Tell it like it is.

22 MS. FIREBAUGH: I'm serious, guys. Those
23 are guys that are going to give you less hassle in the
24 hallways than anybody else.

25 MR. MAHFOOD: Are you talking about the

1 loggers?

2 MS. FIREBAUGH: Yeah.

3 MR. MAHFOOD: I'll take you to a well

4 drillers' meeting next time with me.

5 DR. WADE: Okay.

6 MS. FIREBAUGH: I didn't say they were the

7 nicest guys. I said they had the weakest lobbying

8 group.

9 DR. WADE: If I may -- if I may bring this

10 back to a focus, we have two options in front of us

11 right now. One is to hold this issue until the

12 May 17th meeting until we know more about the

13 distinctions. And second is to rephrase that, reword

14 that to make it an MDC certification or licensing

15 procedure and deal with it today.

16 What -- what's the Committee's pleasure?

17 MR. DAY: I personally would like to see us

18 do whatever rewording that whoever wants to do. I

19 mean, we've discussed licensing, certification. We

20 discussed all of that way back when. Let's roll.

21 We've talked it to death.

22 MR. GARNETT: I haven't said anything, but

23 we -- I want to say one thing.

24 We voted it down, mandatory licensing. We

25 already did that. Okay? What's confusing about that

1 is, is the only incentive to use a certified logger is
2 saying you have to have one. Okay. There is no
3 incentive, but you're saying you can't operate without
4 it. So that's confusing. Okay?

5 We have voted down mandatory. If we want to
6 bring that back up, let's do it. If not, let's go on.

7 MR. DAY: That's right.

8 DR. WADE: David?

9 MR. BEDAN: Well, what the difference about
10 this is, first of all, it's two things. One is
11 certification, not a license. Certification is much
12 weaker. And, secondly, it simply requires a certified
13 logger be on-site during harvest. It doesn't say that
14 every logger has to be certified. So there's two ways
15 in which this is much less onerous than the one we
16 split on five/five.

17 DR. WADE: Doyle?

18 SENATOR CHILDERS: It gets back to just what
19 we've said a dozen times. The key isn't on who's
20 certified. It's on requiring -- the government
21 requiring you to have -- whoever the certifier is,
22 whoever the licenser is, it's whether you require by
23 government or don't require that landowner to have the
24 certification. That -- the requirement is the key
25 word, not certification, not licensure, or anything.

1 It's required to have it.

2 DR. WADE: David?

3 MR. DAY: I honestly think we've talked this

4 thing to death. Can we vote on something? It doesn't

5 matter what. Just vote and get going.

6 MS. ALICE GELLER: Do I need to put "MDC"?

7 DR. WADE: You need to put "MDC" there.

8 Committee, is that what you want to vote on

9 now?

10 MR. LAW: How about, do you want to take out

11 "requiring" and just put "encouraging"?

12 MS. FIREBAUGH: No.

13 MR. BEDAN: No.

14 MR. LAW: Okay.

15 MS. FIREBAUGH: There we go again being

16 mamby-pamby.

17 DR. WADE: Chair?

18 MR. MAHFOOD: Yeah. You ready, Llona?

19 MS. WEISS: What does that say?

20 DR. WADE: "Create incentives for logger

21 certification by requiring that an MDC-certified

22 logger be on-site during harvesting."

23 MS. WEISS: Law?

24 MR. LAW: Yes.

25 MS. WEISS: Mahfood?

1 MR. MAHFOOD: Yes.
2 MS. WEISS: Saunders?
3 MR. SAUNDERS: Yes.
4 MS. WEISS: Smith?
5 MR. SMITH: No.
6 MS. WEISS: Bedan?
7 MR. BEDAN: Yes.
8 MS. WEISS: Childers?
9 SENATOR CHILDERS: No.
10 MS. WEISS: Conley?
11 MR. CONLEY: No.
12 MS. WEISS: Day?
13 MR. DAY: No.
14 MS. WEISS: Firebaugh.
15 MS. FIREBAUGH: No.
16 MS. WEISS: Garnett.
17 MR. GARNETT: No.
18 MS. WEISS: Four yes; six no.
19 DR. WADE: Okay. The restatement of this
20 one is finished.
21 "The Committee supports a system of
22 voluntary harvest prenotification to the Missouri
23 Department of Conservation of commercial timber
24 harvest as a means to disseminate forest management
25 information to landowners and to aid in the collection

1 of information on extended type of timber harvest,
2 type of forest management used, and the use of BMPs
3 and timber harvest on private property."

4 Discussion?

5 MR. GARNETT: What was the other
6 prenotification? The top -- it's top and bottom, in
7 other words.

8 DR. WADE: This is a -- this is a
9 restatement. This is a rewriting of the original one
10 based on the conversation from the Committee.

11 MR. MAHFOOD: The one on the top is not
12 operative. We've moved to the one on the bottom.

13 DR. WADE: We moved to the one on the
14 bottom.

15 MR. MAHFOOD: All right.

16 MR. SMITH: I think we've talked about this.

17 MR. MAHFOOD: Yeah.

18 DR. WADE: Okay. Is there any additional
19 comments?

20 SENATOR CHILDERS: This one goes back to the
21 commercial. It doesn't try to get at the small
22 landowner. In other words, we're limiting, again, to
23 the larger operations. And I think we said 50 percent
24 of the landowners are under 40 acres; is that right?
25 So we're eliminating 50 percent of the timber

1 ownership in the state just by that.

2 MR. CONLEY: This is any kind of timber

3 harvest for commercial purposes. So if you've sold

4 \$200 worth of timber --

5 SENATOR CHILDERS: You're still getting it

6 out?

7 MR. CONLEY: Yeah.

8 SENATOR CHILDERS: So we're not limiting it?

9 MR. CONLEY: No, huh-uh.

10 MR. DAY: That's the point I was going to

11 make.

12 DR. WADE: Chair?

13 MR. MAHFOOD: Call for the vote.

14 MS. WEISS: I'm sorry. I'm not ready

15 because I can't find it.

16 DR. WADE: You don't have that one because

17 it is a rewrite.

18 MS. WEISS: I've just rewritten it down, but

19 where is that replacement? Where is that D?

20 MR. MAHFOOD: Do you know where that was,

21 Jerry?

22 MR. DAY: What category does that go under?

23 DR. WADE: I'm not sure.

24 MR. MAHFOOD: It's under "Logger Training."

25 DR. WADE: "Logger Training."

1 MS. WEISS: New wording inserted for --
2 MR. MAHFOOD: Are you ready yet, Llona?
3 MR. BEDAN: Well, I guess, what does this
4 do? I don't see any incentive to voluntary reporting.
5 MR. LAW: This is how we're going to get the
6 information out.
7 MR. BEDAN: It says, "Voluntary harvest
8 prenotification," prenotification that there is going
9 to be a harvest. What incentive is there to
10 prenotify?
11 MR. DAY: We were told in the other states
12 it was not a problem.
13 MR. BEDAN: It's not a problem in other
14 states because it's required. It's not voluntary in
15 other states.
16 MR. CONLEY: We're going to have to come up
17 with some incentives to make people very enthusiastic
18 about it. You still won't get everybody, but you've
19 got to walk before you run. I don't know. Maybe
20 they -- maybe they get their name put in for a drawing
21 for something. I mean, you know, some states have
22 done pretty good with that, so . . .
23 MR. DAY: Well -- and I think this also -- I
24 mean, you try this for a few years before you go -- in
25 my opinion, before you go to mandating and requiring.

1 And if you're not getting what you need, then you look
2 at it again. And if you're satisfied with the
3 results, then hopefully you haven't upset too many
4 folks in the process.

5 I don't think the answer right off the bat
6 is mandating and requiring everything.

7 MR. MAHFOOD: Okay.

8 DR. WADE: Chair?

9 MR. MAHFOOD: Llona?

10 MS. WEISS: Mahfood?

11 MR. MAHFOOD: No.

12 MS. WEISS: Saunders?

13 MR. SAUNDERS: Yes.

14 MS. WEISS: Smith?

15 MR. SMITH: Yes.

16 MS. WEISS: Bedan?

17 MR. BEDAN: No.

18 MS. WEISS: Childers?

19 SENATOR CHILDERS: Yes.

20 MS. WEISS: Conley?

21 MR. CONLEY: Yes.

22 MS. WEISS: Day?

23 MR. DAY: Yes.

24 MS. WEISS: Driskill?

25 (No response.)

1 MS. WEISS: Firebaugh?
2 MS. FIREBAUGH: No.
3 MS. WEISS: Foster?
4 (No response.)
5 MS. WEISS: Garnett?
6 (No response.)
7 MS. WEISS: Law?
8 MR. LAW: Yes.
9 MS. WEISS: Six yes; three no.
10 DR. WADE: "Establish licensing" --
11 MS. FIREBAUGH: Wait. Let me interject.
12 DR. WADE: Yes.
13 MS. FIREBAUGH: I would like to poll the
14 Driskill No. 5 roll call or final recount.
15 The last vote that we took for creative
16 incentives for logger certification by requiring that
17 a certified logger be on-site during harvesting, could
18 we have a recount of that vote, because I put the
19 "MDC" in the wrong place when I read it and voted on
20 it.
21 I thought it meant that you had to have an
22 MDC -- a certified MDC logger and not an MDC-certified
23 logger.
24 MR. DAY: So you want to change your vote?
25 MS. FIREBAUGH: I want to change my vote.

1 MR. MAHFOOD: Okay. Process-wise we have
2 to, unfortunately, because we adopted this, and we
3 adopted an approach before, we have to first decide
4 whether or not we can do this, as we call,
5 temporary --

6 MS. FIREBAUGH: Exemption.

7 MR. MAHFOOD: -- exemption from Rule No. 5.
8 Do I have a motion?

9 MR. DAY: Yes.

10 MR. MAHFOOD: A motion. A second?

11 MR. BEDAN: Second.

12 MR. MAHFOOD: Let's do a voice vote. All of
13 those in favor please signify by saying aye.

14 UNANIMOUS: Aye.

15 MR. MAHFOOD: I'm sorry. I didn't get to
16 the same sign for the no vote. It would be informal
17 for a second.

18 Senator, what were you going to say?

19 SENATOR CHILDERS: I just want to know, is
20 that going to change the outcome of the deal? If it
21 changes the outcome of the vote, then I --

22 MR. DAY: No, it's not.

23 MS. FIREBAUGH: Either way, I want to change
24 my vote.

25 MR. MAHFOOD: Okay. Then we have to do --

1 there was a motion and it was seconded, so we got to
2 vote on it. So we'll go for a roll call vote on
3 whether or not to go back.

4 SENATOR CHILDERS: I'm still asking if it
5 changes the outcome of the vote. That's very
6 important before we --

7 MR. DAY: They are scrambling, I think.

8 MR. MAHFOOD: I can't tell you.

9 MS. WEISS: The vote on that was four yes
10 and six no. It wouldn't change.

11 MS. FIREBAUGH: And I want to vote "yes."

12 SENATOR CHILDERS: Five/five, that would
13 change the outcome.

14 MR. MAHFOOD: A tie, which would be a -- no,
15 fortunately.

16 MS. FIREBAUGH: I still want to go on
17 record.

18 MR. MAHFOOD: So the motion on the floor is
19 to temporarily allow us to vote -- revote, suspend
20 Rule No. 5.

21 All of those in favor, please signify by
22 saying "aye."

23 GROUP: Aye.

24 MR. MAHFOOD: Opposed, same sign.

25 GROUP: No.

1 MR. MAHFOOD: Okay. The ayes have it.
2 So now we're going to revote on --
3 DR. WADE: "Create incentives for logger
4 certification by requiring that a MDC-certified logger
5 be on-site during harvesting."
6 MR. MAHFOOD: Okay. Llona, do you want to
7 call the roll on that, please?
8 MS. WEISS: Saunders?
9 MR. SAUNDERS: Yes.
10 MS. WEISS: Smith?
11 MR. SMITH: No.
12 MS. WEISS: Bedan?
13 MR. BEDAN: Yes.
14 MS. WEISS: Childers?
15 SENATOR CHILDERS: No.
16 MS. WEISS: Conley?
17 MR. CONLEY: No.
18 MS. WEISS: Day?
19 MR. DAY: No.
20 MS. WEISS: Firebaugh?
21 MS. FIREBAUGH: Yes.
22 MS. WEISS: Foster?
23 (No response.)
24 MS. WEISS: Garnett?
25 MR. GARNETT: No.

1 MS. WEISS: Law?
2 MR. LAW: Yes.
3 MS. WEISS: Mahfood?
4 MR. MAHFOOD: Yes.
5 MS. WEISS: Five yes; five no.
6 MS. FIREBAUGH: Thank you all. I just want
7 it to be on record.
8 DR. WADE: "Establish licensing for persons
9 with four-year degrees from Society of American
10 Foresters accredited universities or colleges."
11 Any discussion?
12 MR. SMITH: This is something that they have
13 asked for -- asked for this, and I think their
14 association is in agreement to, and I think we should
15 encourage that.
16 DR. WADE: Further discussion?
17 Yes, David.
18 MR. BEDAN: When we talked about this
19 earlier, we talked about some sort of a grandfathering
20 provision for people without degrees. Is that -- is
21 that -- should that be part of this?
22 MR. DAY: Where is -- can we ask
23 Scott Brundage? I mean, he is the one that requested
24 this, is that appropriate or --
25 MR. BEDAN: In other words, not just

1 willy-nilly grandfather, but establish some kind of
2 competency testing for people who will --

3 MR. SCOTT BRUNDAGE: I can't answer that
4 specifically, David, if I understand the question.

5 Tomorrow afternoon at 1:00 we're meeting
6 with other forestry interested groups in the state
7 from the consulting foresters standpoint. Where we've
8 already had this brought up in our meetings and we've
9 already voted, the answer to that would be, no, we're
10 not allowing grandfather. We're establishing
11 standards and sticking with them.

12 Now we're checking with other groups, MDC,
13 DNR, Tree Farm, MFPA, other ones that have foresters
14 involved. They may feel differently about that, so
15 that conclusion hasn't been reached.

16 But where it has been reached is with the
17 consulting foresters, and the answer is, no, we are
18 not grandfathering. You are either a trained forester
19 or an accredited forester from an SAF-accredited
20 school of forestry with, at this point in time, three
21 years' experience, or you are not. It's black and
22 white. We're setting standards, and that's what our
23 position is at this point in time.

24 DR. WADE: Doyle?

25 SENATOR CHILDERS: If we want to put

1 something about grandfathering, it could say, to
2 include standard grandfathering -- grandfathered
3 rights.

4 There are processes in other license deals
5 where they have it so you can put a standard in.
6 That's one way of covering it, so at least it's not
7 willy-nilly.

8 But that's the only point I know, if we want
9 to even address that issue. I'm not convinced we need
10 to address it.

11 MR. SCOTT BRUNDAGE: Our position is, you're
12 a professional forester or you are not, and then that
13 simplifies it by going to the Society of American
14 Forester standards, that they accredit the school of
15 forestry in and throughout the United States. And if
16 you're a forestry graduate from those schools, you are
17 a forester. If you're not a forestry graduate from
18 one of those schools, you are not a forester. So we
19 try to keep it at somebody else's standards that's
20 been uniform for a long period of time.

21 SENATOR CHILDERS: Normally, standards --
22 the standard form is if you practice so many years,
23 been involved under someone, you know, if you've been
24 doing the job for so many years, then you can still be
25 covered. Now, that's standard in other professions

1 when we do licensing, but I don't now if it's needed
2 here or not.

3 MR. SCOTT BRUNDAGE: That's something that
4 we'll talk about tomorrow, whether they would be an
5 associate or something like this, somebody that's
6 worked with them. But it's a yes or no on whether you
7 are a forestry graduate at this point.

8 DR. WADE: My suggestion to the Committee is
9 that if there becomes adequate justification out of
10 the additional conversation we can come back May 17th
11 and correct that.

12 John?

13 MR. SMITH: Maybe we could not specify in
14 this and just say that we are for establishing a
15 licensing procedure for foresters in the state of
16 Missouri, and --

17 MR. DAY: And then let them work that out.

18 MR. SMITH: And let them work out the
19 details of it, because I think we -- I think we need
20 to encourage licensing, and -- and let them work that
21 amongst themselves on exactly who would be in and out.

22 DR. WADE: Emily?

23 MS. FIREBAUGH: Guys, let's do something.
24 Let's just vote on this one, and let's follow the
25 recommendation of what the state forester group is

1 doing. Let's vote on this and get it over with.
2 Grandfathering, if you haven't gone to four years of
3 college by now, you're not going to do it.

4 DR. WADE: Jay?

5 MS. FIREBAUGH: Let's call it to a vote.

6 MR. LAW: I would -- really, I would think
7 we're better if we would go with (B).

8 MR. BEDAN: Yes.

9 MR. LAW: That leaves the door open. It's
10 usually -- as I understand it, it's the board that
11 sets up the standards, and it's not really for us to
12 do that.

13 MR. GARNETT: I agree.

14 MR. DAY: I agree.

15 MR. LAW: I think (B) is where we want to be
16 voting right now.

17 SENATOR CHILDERS: Drop (A)?

18 MR. LAW: Just establish -- I guess the
19 legislature would have to do that when they're asked,
20 but then the board sets it up, and usually -- most
21 forestry boards have a -- like, University of Missouri
22 has a consultant, somebody or another. They have a
23 board and they set, as the Senator mentioned, the
24 specifications.

25 DR. WADE: My suggestion then is to do a

1 roll call vote on (A) and lead to the roll call vote
2 on (B).
3 MR. MAHFOOD: Okay. Let's call for the
4 question on (A.)
5 Llona?
6 MS. WEISS: Smith?
7 MR. SMITH: No.
8 MS. WEISS: Bedan?
9 MR. BEDAN: No.
10 MS. WEISS: Childers?
11 SENATOR CHILDERS: No.
12 MS. WEISS: Conley?
13 MR. CONLEY: Aye.
14 MS. WEISS: I'm sorry?
15 MR. CONLEY: Aye.
16 MS. WEISS: Day?
17 MR. DAY: No.
18 MS. WEISS: Firebaugh?
19 MS. FIREBAUGH: Yes.
20 MS. WEISS: Foster?
21 (No response.)
22 MS. WEISS: Garnett?
23 MR. GARNETT: No.
24 MS. WEISS: Law?
25 MR. LAW: No.

1 MS. WEISS: Mahfood?
2 MR. MAHFOOD: No.
3 MS. WEISS: Saunders?
4 MR. SAUNDERS: No.
5 MS. WEISS: Two yes; eight no.
6 MR. MAHFOOD: Let's go to the vote on the
7 roll call on (B).
8 DR. WADE: "Establish a professional
9 registry board for professional licensed foresters to
10 practice in Missouri."
11 MS. WEISS: Bedan?
12 MR. BEDAN: Yes.
13 MS. WEISS: Childers?
14 SENATOR CHILDERS: Aye.
15 MS. WEISS: Conley?
16 MR. CONLEY: Aye.
17 MS. WEISS: Day?
18 MR. DAY: Aye.
19 MS. WEISS: Firebaugh?
20 MS. FIREBAUGH: Yes.
21 MS. WEISS: Garnett?
22 MR. GARNETT: Yes.
23 MS. WEISS: Law?
24 MR. LAW: Yes.
25 MS. WEISS: Mahfood?

1 MR. MAHFOOD: Yes.

2 MS. WEISS: Saunders?

3 MR. SAUNDERS: Yes.

4 MS. WEISS: Smith?

5 MR. SMITH: Yes.

6 MS. WEISS: All in the affirmative.

7 DR. WADE: The next set are the educational

8 programs. What I would like -- okay. Let's start

9 with (A). "Conduct a comprehensive evaluation of all

10 existing landowner education programs in Missouri."

11 David?

12 MR. BEDAN: I presume we mean forests?

13 DR. WADE: Yes.

14 I have a question of the Committee. Does

15 five actually encompass that one? Do you want to deal

16 with (A) and then deal with five later, or do you want

17 to deal with five right off the bat, because that

18 says -- let's deal with (A). Go ahead. Let's take

19 them as they come.

20 Jay?

21 MR. LAW: The question would be, who would

22 do that?

23 DR. WADE: Emily?

24 MS. FIREBAUGH: My suggestion is University

25 Extension because that's their -- their commission is

1 to conduct outreach programs and educational programs,
2 so let's commission them to do it. Then you have an
3 agent in almost every county.

4 DR. WADE: That says "evaluation," not
5 programs.

6 MS. FIREBAUGH: Same thing. You get all of
7 the information, you bring it in, and decide what
8 you've got.

9 DR. WADE: Okay.

10 MR. CONLEY: Well, I think it ought to be
11 more than -- you know, we probably have a lot more
12 forest landowner education programs than the
13 University does by far.

14 MS. FIREBAUGH: But, I mean, they would be
15 more fair in evaluating what you're offering.

16 MR. CONLEY: Well, I don't know about that.
17 I wouldn't go for that statement, but then --

18 MR. LAW: The Department has a whole group
19 of educators. Yeah, I would think -- I would say ask
20 the Missouri Department of Conservation if they want
21 to vote on this particular issue.

22 MR. CONLEY: Well, we would be glad to get
23 together with the University and somebody from Steve's
24 shop, or whatever private sector, and put a group
25 together and take a look at what all is out there. I

1 mean, nobody has got anything to hide.

2 It's just a matter of, I don't want the
3 University evaluating our programs when we're the
4 expert in those particular programs and saying, You're
5 failing somewhere. Just like they don't want me up
6 evaluating their curriculum and saying, Well, you guys
7 are totally off base, so . . .

8 MS. FIREBAUGH: How do you two work together
9 on that one program that I think is really terrific on
10 the master tree farmer? You guys work cooperatively
11 on that, don't you?

12 MR. CONLEY: Uh-huh.

13 MS. FIREBAUGH: I mean, everybody that we
14 had speaking wasn't MDC.

15 MR. CONLEY: Sure. It's not like we don't
16 work with the University. I would leave it just the
17 way it is in kind of general terms, and then just let
18 it be handled by process rather than naming anybody.

19 MS. FIREBAUGH: Okay. I can go with that.

20 MR. MAHFOOD: So we're on -- go ahead,
21 Jerry. Call for the vote.

22 DR. WADE: Yes.

23 MR. MAHFOOD: Please clarify to make sure
24 everybody knows. We've got a lot of people moving
25 around.

1 MS. FIREBAUGH: As written -- I have no
2 problem as written.
3 DR. WADE: "Conduct a comprehensive
4 evaluation of all existing landowner education
5 programs in Missouri."
6 SENATOR CHILDERS: Forest landowner.
7 DR. WADE: Forest landowner education
8 program.
9 MR. MAHFOOD: Call for the vote. Llona?
10 MS. WEISS: Childers?
11 SENATOR CHILDERS: Aye.
12 MS. WEISS: Conley?
13 MR. CONLEY: Aye.
14 MS. WEISS: Day?
15 MR. DAY: Yes.
16 MS. WEISS: Firebaugh?
17 MS. FIREBAUGH: Yes.
18 MS. WEISS: Garnett?
19 MR. GARNETT: Yes.
20 MS. WEISS: Law?
21 (No response.)
22 MS. WEISS: Mahfood?
23 MR. MAHFOOD: Yes.
24 MS. WEISS: Saunders?
25 MR. SAUNDERS: Yes.

1 MS. WEISS: Smith?
2 MR. SMITH: Yes.
3 MS. WEISS: Bedan?
4 MR. BEDAN: Yes.
5 MS. WEISS: Nine yes.
6 DR. WADE: "The University of Missouri
7 Outreach and Extension in conjunction with MDC
8 foresters offer silviculture courses throughout the
9 state in an intensive education drive for five years."
10 MS. FIREBAUGH: Since this is my suggestion,
11 I would like to put that to a motion right now.
12 DR. WADE: Is there discussion?
13 (No response.)
14 DR. WADE: Chair?
15 MR. MAHFOOD: Okay. Let's call for the
16 vote.
17 MS. WEISS: Conley?
18 MR. CONLEY: Aye.
19 MS. WEISS: Day?
20 MR. DAY: Yes.
21 MS. WEISS: Firebaugh?
22 MS. FIREBAUGH: Yes.
23 MS. WEISS: Garnett?
24 MR. GARNETT: Yes.
25 MS. WEISS: Law?

1 (No response.)
2 MS. WEISS: Mahfood?
3 MR. MAHFOOD: Yes.
4 MS. WEISS: Saunders?
5 MR. SAUNDERS: Yes.
6 MS. WEISS: Smith?
7 MR. SMITH: Yes.
8 MS. WEISS: Bedan?
9 MR. BEDAN: Yes.
10 MS. WEISS: Childers?
11 SENATOR CHILDERS: Yes.
12 DR. WADE: "Expand the forest cropland or
13 stewardship programs already in place and aggressively
14 market them to enroll landowners in the program."
15 DR. WADE: Yes.
16 MS. FIREBAUGH: I have a question. There
17 are a lot of things in the stewardship program that I
18 see as much better to be a part of than to be in the
19 forest cropland program. Can we say "intertwined" or
20 be able to swap out or re-enroll? When you rewrite
21 your forest cropland program, if that can be entered
22 into --
23 MR. CONLEY: Sure.
24 MS. FIREBAUGH: -- I'd appreciate it.
25 DR. WADE: Further discussion on that?

1 (No response.)
2 DR. WADE: Chair?
3 MR. MAHFOOD: Call for the vote.
4 MS. WEISS: Day?
5 MR. DAY: Yes.
6 MS. WEISS: Firebaugh?
7 MS. FIREBAUGH: Yes.
8 MS. WEISS: Garnett?
9 MR. GARNETT: Yes.
10 MS. WEISS: Law?
11 (No response.)
12 MS. WEISS: Mahfood?
13 MR. MAHFOOD: Yes.
14 MS. WEISS: Saunders?
15 MR. SAUNDERS: Yes.
16 MS. WEISS: Smith?
17 MR. SMITH: Yes.
18 MS. WEISS: Bedan?
19 MR. BEDAN: Yes.
20 MS. WEISS: Childers?
21 SENATOR CHILDERS: Yes.
22 MS. WEISS: Conley?
23 MR. CONLEY: Aye.
24 DR. WADE: "Institute a high-intensive
25 forest landowner education effort in the lower Ozark

1 chip mill sourcing areas and include an evaluation of
2 effectiveness."

3 Discussion on that?

4 MS. WEISS: Where did that --

5 DR. WADE: That's a new one.

6 MS. WEISS: Where did it come from?

7 MS. ALICE GELLER: Last night there was one
8 recommendation the Committee wanted to split in two.
9 One was data and one was land, or owner education, and
10 so this is the landowner education.

11 MS. WEISS: It's something we wrote last
12 night?

13 DR. WADE: Yes.
14 Emily?

15 MS. FIREBAUGH: With the new -- with the new
16 chip mill company coming into the northeastern part of
17 the state, are we going to confine it just to the
18 lower?

19 DR. WADE: Do you want to change that to
20 include the sourcing area for the new chip mill in the
21 northeast?

22 SENATOR CHILDERS: If we would just say in
23 the chip mill sourcing zones and drop "lower Ozarks,"
24 then that solves it.

25 DR. WADE: Okay. Any further discussion on

1 this recommendation?

2 (No response.)

3 DR. WADE: Chair?

4 MR. MAHFOOD: Call for the vote.

5 Llona is not ready.

6 MS. WEISS: I don't have this anyplace, so

7 I -- I need wording to --

8 MALE: Put a number on it that you can

9 identify or something.

10 MS. WEISS: On the top right corner there of

11 that, put 55.

12 MR. MAHFOOD: Okay. There you go. Okay.

13 MS. WEISS: Firebaugh?

14 MS. FIREBAUGH: Yes.

15 MS. WEISS: Garnett?

16 MR. GARNETT: Yes.

17 MS. WEISS: Law?

18 MR. LAW: Yes.

19 MS. WEISS: Mahfood?

20 MR. MAHFOOD: Yes.

21 MS. WEISS: Saunders?

22 (No response.)

23 MS. WEISS: Smith?

24 (No response.)

25 MS. WEISS: Bedan?

1 MR. BEDAN: Yes.

2 MS. WEISS: Childers?

3 SENATOR CHILDERS: Yes.

4 MS. WEISS: Conley?

5 MR. CONLEY: Aye.

6 MS. WEISS: Day?

7 MR. DAY: Yes.

8 MS. WEISS: Eight yes.

9 DR. WADE: "Develop and evaluate effective

10 forest landowner education programs under the

11 direction of the Missouri Forest Resource Council,

12 MFRC, to oversee and recommend development of

13 educational programs and legislation that assist

14 owners in learning about the care of their forest

15 resources and protection of soil and water quality

16 during timber harvesting."

17 Discussion on that?

18 Emily.

19 MS. FIREBAUGH: I have a problem because I

20 don't know who the Missouri Forest Resource Council

21 will be.

22 SENATOR CHILDERS: I would suggest that we

23 go with (D) instead, because it is current right now.

24 Then when the Forest Council has been established,

25 assuming it is per our recommendation, then it would

1 take over that sort of thing. But right now I believe
2 (D) establishes our efforts more clearly.

3 DR. WADE: David?

4 MR. BEDAN: Well, from the concept of the
5 Forest Resources Council, I think this sort of thing
6 is implied. Now, "develop" may be a little too strong
7 because the council itself wouldn't be so much
8 development, but what we're implying is an advisory
9 and oversight kind of function for the council which
10 is what I think would include this sort of thing.

11 MR. LAW: I would agree to that.

12 MR. BEDAN: Maybe it needs to be worded a
13 little different.

14 And then, obviously, until the council is in
15 place, we don't want to hold up getting the
16 departments together, but I don't know why we can't go
17 ahead and say this, because it may be a year or two
18 before this gets in place.

19 SENATOR CHILDERS: Could -- could we use, to
20 provide assistance to the Missouri Forest Resources
21 Council? Would that solve over here? This is more
22 detailed on this side, of telling all different
23 things, but if we bring in the future -- if we say the
24 future Missouri Forest Resources Council, would that
25 solve the problem? I mean, it doesn't really matter

1 to me as long as we get it all in there.

2 MS. FIREBAUGH: Let me ask the Department
3 heads, if we do five, won't that take funding away
4 from (D), I mean, because to -- to have develop and
5 evaluate, you're going to have to have funds that
6 support that, so you would have to take money away
7 from (D) to fund five.

8 MR. MAHFOOD: Not necessarily.

9 MR. BEDAN: I don't think these are two
10 separate things. I think there is one evaluation
11 process. It's just that a council is a more formal
12 way of pulling together and overseeing this work and
13 expanding. This is a working group of agencies. The
14 council takes all of these agencies plus outside
15 groups and helps -- helps recommend and oversee and
16 evaluation of education and process an evaluation of
17 it.

18 So I don't see them as conflicting with
19 either -- without -- for resources because the council
20 doesn't have its own staff. It just has the staff of
21 these agencies. I think it all works together, if we
22 can word it right.

23 DR. WADE: Doyle?

24 SENATOR CHILDERS: Could I have this
25 wording, to add right here after "University

1 Extension" to provide support to any future Missouri
2 Forest -- excuse me, and provide support to any
3 future. So we would have this in here, and then just
4 add, and provide support to any future Missouri Forest
5 Resources Council.

6 DR. WADE: Okay. And then what you're
7 saying is that -- add that, and then with that, the
8 Committee would drop consideration of five, basically,
9 is what we're talking about?

10 MS. ALICE GELLER: Can I ask a question for
11 clarification --

12 DR. WADE: Yes.

13 MS. ALICE GELLER: -- because you already
14 voted on the Forest Council with administrative
15 support by the Department of Conservation. Is that
16 different than this?

17 MALE: It provides support to this, so I
18 think it wouldn't be a problem. You drop the "to" and
19 say "and."

20 MS. FIREBAUGH: It expands the support base
21 for the council.

22 SENATOR CHILDERS: Drop the "to" and write
23 "and" -- "and provide support to any future Missouri
24 forest resource council."

25 DR. WADE: Then it needs to be the "to," and

1 then you have a listing of those four things. Okay.
2 Is there any more discussion on this?
3 MS. ALICE GELLER: This gets dropped?
4 DR. WADE: That needs to be dropped with a
5 roll call.
6 Chair?
7 MR. MAHFOOD: Okay.
8 DR. WADE: The roll call, first, on five.
9 MR. MAHFOOD: Okay.
10 MS. WEISS: Garnett?
11 MR. GARNETT: No.
12 MS. WEISS: Law?
13 MR. LAW: Yes.
14 MS. WEISS: Mahfood?
15 MR. MAHFOOD: Yes.
16 MS. WEISS: Saunders?
17 MR. SAUNDERS: Yes.
18 MS. WEISS: Smith?
19 (No response.)
20 MS. WEISS: Bedan?
21 MR. BEDAN: Yes.
22 MS. WEISS: Childers?
23 SENATOR CHILDERS: No.
24 MS. WEISS: Conley?
25 MR. CONLEY: No.

1 MS. WEISS: Day?
2 MR. DAY: No.
3 MS. WEISS: Firebaugh?
4 MS. FIREBAUGH: "No" means to delete it?
5 MR. MAHFOOD: Uh-huh.
6 MS. FIREBAUGH: Then I'm voting no.
7 MS. WEISS: One, two, three, four yes; one,
8 two, three, four, five no.
9 DR. WADE: Okay. Now, Chair, (D.)
10 MR. MAHFOOD: Okay. All right. Is
11 everybody comfortable with what it says there?
12 (No response.)
13 MR. MAHFOOD: Okay. Llona, call for the
14 vote on (D.)
15 MS. WEISS: Just a moment, please.
16 MR. MAHFOOD: Okay.
17 DR. WADE: "Establish working group of the
18 Departments of Agricultural, Conservation, Natural
19 Resources, and Economic Development and University
20 Extension to provide support to any future Missouri
21 Forest Resources Council to:" and then one through
22 four.
23 SENATOR CHILDERS: The language isn't real
24 good there. I probably should have said, and for
25 providing support. That might be -- but I don't know.

1 But the language can be clarified later.

2 MR. BEDAN: To provide support and to do

3 these other things. How is that, and then put an

4 "and"?

5 Correct. All of those four things.

6 DR. WADE: Okay. Chair?

7 MR. MAHFOOD: Call for the vote.

8 MS. WEISS: Can you read the change, please?

9 DR. WADE: Yeah. "Establish working group

10 for Departments of Agriculture, Conservation, Natural

11 Resources, and Economic Development and University

12 Extension to provide support to any future MFRC and

13 to:" one through four.

14 MS. WEISS: Law?

15 MR. LAW: Yes.

16 MS. WEISS: Mahfood?

17 MR. MAHFOOD: Yes.

18 MS. WEISS: Saunders?

19 MR. SAUNDERS: Yes.

20 MS. WEISS: Smith?

21 (No response.)

22 MS. WEISS: Bedan?

23 MR. BEDAN: Yes.

24 MS. WEISS: Childers?

25 SENATOR CHILDERS: Yes.

1 MS. WEISS: Conley?
2 MR. CONLEY: Yes.
3 MS. WEISS: Day?
4 MR. DAY: Yes.
5 MS. WEISS: Firebaugh?
6 MS. FIREBAUGH: Yes.
7 MS. WEISS: Garnett?
8 MR. GARNETT: Yes.
9 MS. WEISS: Nine.
10 DR. WADE: "University Extension to develop
11 seminars to assist landowners in bidding and selling
12 their standing timber."
13 Discussion on that recommendation?
14 MS. FIREBAUGH: Could we have this in
15 conjunction MDC's -- the site that we went out to in
16 Iron County where they had raised the 18,000 to, like,
17 \$25,000 bid so that -- I mean, that's the best value
18 I've ever seen on standing timber. Could we add MDC
19 input on that also?
20 DR. WADE: Okay. Encourage University
21 Extension and MDC to develop --
22 MR. DAY: Let me ask, what if you said,
23 develop seminars, and leave that to the powers that
24 be?
25 MS. FIREBAUGH: I have no problem.

1 MR. DAY: Who is best suited to do it in
2 certain areas.

3 MS. FIREBAUGH: That's fine with me. It
4 just needed to be more inclusive some way, and that
5 will do it.

6 DR. WADE: Okay. All right. "Develop
7 seminars to assist landowners in bidding and selling
8 their standing timber." Chair?

9 MR. MAHFOOD: Call for the vote.

10 MS. WEISS: Mahfood?

11 MR. MAHFOOD: Yes.

12 MS. WEISS: Saunders?

13 MR. SAUNDERS: Yes.

14 MS. WEISS: Smith?

15 (No response.)

16 MS. WEISS: Bedan?

17 MR. BEDAN: Yes.

18 MS. WEISS: Childers?

19 SENATOR CHILDERS: Yes.

20 MS. WEISS: Conley?

21 MR. CONLEY: Yes.

22 MS. WEISS: Day?

23 MR. DAY: Yes.

24 MS. WEISS: Firebaugh?

25 MS. FIREBAUGH: Yes.

1 MS. WEISS: Garnett?
2 MR. GARNETT: Yes.
3 MS. WEISS: Law?
4 MR. LAW: Yes.
5 DR. WADE: "Fund a pilot project to
6 encourage landowners to do timberland improvements
7 such as thinning, removal of culls, et cetera, in lieu
8 of liquidation and/or timberland conversion to pasture
9 or other uses."
10 Discussion on this recommendation?
11 Emily.
12 MS. FIREBAUGH: I think it is redundant. We
13 just had it in the education program.
14 DR. WADE: Jay?
15 MR. LAW: We already had something we
16 approved there relating to financial.
17 MS. FIREBAUGH: And TSIs and everything
18 else.
19 MR. LAW: We already focused on that.
20 MS. FIREBAUGH: I make a vote we delete
21 that.
22 DR. WADE: Further discussion on this?
23 (No response.)
24 DR. WADE: Chair?
25 MR. MAHFOOD: Okay. I didn't hear a second

1 to that motion.

2 MR. DAY: Second.

3 MR. MAHFOOD: There's a second to that

4 motion, all right, to remove this.

5 MS. FIREBAUGH: A "No" vote gets rid of it.

6 MR. MAHFOOD: So we're going to vote on

7 whether just to remove it right now. Same thing as --

8 DR. WADE: We still need a roll call.

9 MR. MAHFOOD: I understand. That's fine.

10 DR. WADE: They don't need motions and

11 seconds.

12 MR. GARNETT: What does a "yes" and what

13 does a "no" mean, before we get started?

14 DR. WADE: Yes means you support it and no

15 means you don't. It's just a regular roll call vote.

16 MR. GARNETT: Okay.

17 MS. WEISS: Saunders?

18 MR. SAUNDERS: No.

19 MS. WEISS: Smith?

20 (No response.)

21 MS. WEISS: Bedan?

22 MR. BEDAN: No.

23 MS. WEISS: Childers?

24 SENATOR CHILDERS: No.

25 MS. WEISS: Conley?

1 MR. CONLEY: No.

2 MS. WEISS: Day?

3 MR. DAY: No.

4 MS. WEISS: Firebaugh?

5 MS. FIREBAUGH: No.

6 MS. WEISS: Garnett?

7 MR. GARNETT: Yes.

8 MS. WEISS: Law?

9 MR. LAW: No.

10 MS. WEISS: Mahfood?

11 MR. MAHFOOD: No.

12 DR. WADE: "Develop an outcomes/impact

13 assessment to see how the voluntary approach is

14 working. If working, then the programs should be

15 continued. If not, then the voluntary approach will

16 need to be assessed."

17 Discussion on that recommendation? Any

18 discussion?

19 MS. FIREBAUGH: I would assume after MDC

20 does this, and we see that there isn't a good outcome

21 that we would rework it?

22 MR. BEDAN: I don't think this is the same

23 thing. This is a conditional -- this is an explicit

24 conditional thing.

25 MS. FIREBAUGH: How can you be explicit and

1 conditional?

2 MR. BEDAN: This is not conditional. This

3 just says "has a voluntary system." And it -- I don't

4 think it says, if the voluntary system doesn't work,

5 then you do a reassessment. It doesn't say that, does

6 it?

7 MR. DAY: No, it doesn't.

8 MR. BEDAN: So this is a further idea.

9 DR. WADE: Further discussion on this

10 recommendation?

11 (No response.)

12 DR. WADE: Chair?

13 MR. MAHFOOD: Call for the vote. Llona?

14 MS. WEISS: Smith?

15 (No response.)

16 MS. WEISS: Bedan?

17 MR. BEDAN: Yes.

18 MS. WEISS: Childers?

19 SENATOR CHILDERS: Yes.

20 MS. WEISS: Conley?

21 MR. CONLEY: No.

22 MS. WEISS: Day?

23 MR. DAY: No.

24 MS. WEISS: Firebaugh?

25 MS. FIREBAUGH: No.

1 MS. WEISS: Garnett?
2 MR. GARNETT: No.
3 MS. WEISS: Law?
4 MR. LAW: No.
5 MS. WEISS: Mahfood?
6 MR. MAHFOOD: Yes.
7 MS. WEISS: Saunders?
8 MR. SAUNDERS: Yes.
9 MS. WEISS: Four yes; five no.
10 DR. WADE: We have now moved to the category
11 of Environment Sustainability.
12 Recommendation A, "An interagency task force
13 of the Departments of Conservation, Natural Resources
14 and Agricultural and representatives of industry and
15 the School of Forestry and Natural Resources,
16 University of Missouri should be created to specify
17 the definition of 'Best Management Practices.'"
18 MS. FIREBAUGH: Where are you?
19 DR. WADE: Right there on (A).
20 MS. FIREBAUGH: Oh, I see. Okay.
21 DR. WADE: If I -- if I remember the
22 discussion on this, the discussion was that we need to
23 relook with an interdisciplinary group at what best
24 management practices are. I think that's what the
25 discussion was.

1 Is there further --

2 MR. SAUNDERS: Does (D) address that over

3 here, or not?

4 DR. WADE: Where?

5 MR. SAUNDERS: Right there.

6 DR. WADE: That? No. That has nothing to

7 do with best management practices.

8 MR. SAUNDERS: Okay. But it does have the

9 working group, so we're talking about the same working

10 group or a different working group or a task force?

11 DR. WADE: That would probably be a very

12 specific task force designated for that specific

13 purpose --

14 MR. SAUNDERS: Okay.

15 DR. WADE: -- because you would have a

16 different kind of expertise there than you would for

17 the other, I would suspect.

18 Is there any further discussion on this?

19 Emily?

20 MS. FIREBAUGH: Why wasn't there a

21 representative from industry on there?

22 SENATOR CHILDERS: They do the work.

23 DR. WADE: The forest products industry.

24 MS. FIREBAUGH: I mean, it would be safer.

25 Why would you have an environmental group listed there

1 instead of an industry group?

2 MR. BEDAN: Why not both?

3 MS. FIREBAUGH: Yeah, why not both?

4 DR. WADE: Do you wish to add that?

5 MS. FIREBAUGH: Yeah, a representative of

6 industry and a representative from an environmental --

7 SENATOR CHILDERS: Representative of an

8 environmental organization.

9 MS. FIREBAUGH: Thank you.

10 Put "representative," one of industry and

11 "representative," one of environment.

12 DR. WADE: Take the "s" off --

13 MS. FIREBAUGH: Take the "s" off of

14 representative. There.

15 DR. WADE: Okay. Any additional -- any

16 additional discussion on this recommendation?

17 Yes, Jay?

18 MR. LAW: Well, in what we came up with on

19 best management practices, we were rather specific

20 that we were talking about something that's already

21 established that was developed by MDC and DNR and

22 other agencies. It's already there.

23 And I would think that what we eventually

24 would do if we have this Forest Resources Council

25 would be, one, to come up with the administrative

1 process and do definitions of best management
2 practices.

3 I don't want to wait five years for a group
4 like that to come up with it. I think we already have
5 something, and I think we ought to vote on that right
6 now as soon as we can and have the Forest Resources
7 Council, when they are established, take over as part
8 of the thing as to how they -- and that has a broad
9 grouping.

10 DR. WADE: Steve.

11 MR. MAHFOOD: A couple of things: One, to
12 address what Jay said.

13 I think maybe this ought to be time limited.
14 It ought to have a limit to this, a time in there.
15 And we do have, currently, as I understand it, some
16 definition of best management practices.

17 MR. LAW: We do.

18 MR. MAHFOOD: So wouldn't it be -- from what
19 I'm hearing from everybody, an evaluation should be
20 created to evaluate the definition?

21 I mean, I'm hearing still a lot of
22 discussion about inclusivity and not -- and should
23 this be time limited.

24 Shall be created to evaluate the
25 definition -- shall be created -- I don't know where

1 to put it -- within one year or after adoption, or
2 whatever, something in there.

3 DR. WADE: Specify to evaluate the present
4 definition?

5 MS. FIREBAUGH: Existing.

6 DR. WADE: The existing definition.

7 MR. BEDAN: Within one year.

8 MS. ALICE GELLER: Within one year.

9 MS. FIREBAUGH: Of --

10 MS. ALICE GELLER: Within one year of what?

11 MS. FIREBAUGH: Of adoption.

12 MR. LAW: Of the Best Management Practices
13 Act.

14 MR. MAHFOOD: Yeah, probably.

15 MR. LAW: But, I guess, I still feel that
16 the Forest Resources Council is the one that does
17 that. If they want to bring together a group like
18 that, they can. It's fine. But I think it's their
19 purview.

20 SENATOR CHILDERS: You know, one of the
21 things -- I believe that that Resource Council is made
22 up of the same people, if we just specified that they
23 had to come up with that in a certain time. It would
24 simplify.

25 I don't know that we need to call everybody

1 back together again just for this one purpose. We've
2 already got that same group meeting as a council to
3 deal with these issues.

4 MR. LAW: Yeah.

5 DR. WADE: Emily?

6 MS. FIREBAUGH: I don't believe that the
7 Forest Resources Council says that there has to be,
8 you know, X, Y, and Z, and I think this specifies a
9 little bit more, especially on the environment and on
10 the departments.

11 MR. LAW: Let's read this up here.

12 DR. WADE: Okay.

13 MR. LAW: Ongoing public forum among
14 landowner, loggers, wood-based industries,
15 environmental interests, the tourist industry, public
16 agencies and others with a vital vested interest in
17 the well-being of Missouri's forest resource.

18 That's probably an incomplete list, but it's
19 an outline.

20 MS. FIREBAUGH: I feel like this is having a
21 little more clout than waiting on this to be formed
22 and approved and organized. I think we can hit a time
23 limit faster if we just take this and go with it.

24 My problem with approving your BMP was, as
25 the gentleman over there stated, you know, I don't

1 know what a BMP is. I'm hesitant in us sitting here
2 and doing anything on it, and so I would rather have
3 this realm of expertise putting in the BMPs.

4 MR. LAW: Do you have the blue book. That
5 is specified in it. That is it right now.

6 DR. WADE: David?

7 MR. LAW: That is it right now.

8 MR. BEDAN: Emily has a point in the sense
9 that the Forest Resources Council depends on action by
10 the Legislature, the way I understand it, and that may
11 take awhile, or it may never happen; whereas this is
12 something that simply could be created by the agencies
13 right away.

14 But this discussion, by the way, came out of
15 a very early discussion and we didn't know what we
16 were talking about on best management practices. Some
17 people said we already had a definition and guidelines
18 and other people said that needs to be looked at
19 again, and I think this came out of the idea that it
20 needs to be looked at.

21 And maybe it won't change, but there would
22 seem to be some unease with the current definition. I
23 don't know what the issue was, but I -- I think there
24 is some merit in creating this waiting for what may or
25 may not come.

1 MR. LAW: I would like to know if the
2 agencies have some idea. MDC and DNR have worked
3 together for a number of years.

4 MR. MAHFOOD: I don't have a -- I mean, I
5 just think with all of the discussion, even if we got
6 together and said that blue book is -- that's the
7 operative -- the operative mode, with the blessing
8 of the -- you like that, blessing of the book -- I
9 mean, I think it's worthwhile.

10 And this -- and then that feeds in -- I
11 don't know which recommendation. It's evident there
12 will be a link between this group of people and the
13 Forest Resources Council forever. I mean, that -- I
14 would assume they would look to this group of people a
15 lot for -- as part of them and also independently.

16 So I think it's for time -- time-wise,
17 knowing how long it will take us to get this council
18 going, I'd like to say it will be going very quickly,
19 but it may take a couple of years to iron that all
20 out; whereas we're all sitting here and we should be
21 able to sit down quickly and go through this.

22 MR. LAW: How long did it take you to
23 develop the blue book?

24 MR. MAHFOOD: I can't tell you that. How
25 long did it?

1 MR. LAW: Three years.

2 SENATOR CHILDERS: Call for question.

3 DR. WADE: We still have a comment here.

4 MR. GARNETT: Can we add Professional Forest

5 Association up there as far as having somebody in --

6 would that offend anybody or not?

7 MS. FIREBAUGH: Would that be industry?

8 MR. GARNETT: Not really.

9 DR. WADE: Does the group want -- is it okay

10 with the group to add that?

11 Okay. We also need to -- we need to finish

12 that. Within one year -- we don't have the sentence

13 finished.

14 MS. FIREBAUGH: Of approval of our report.

15 SENATOR CHILDERS: January 1st, 2001.

16 MR. MAHFOOD: There you go. Let's put a

17 date on it.

18 MS. FIREBAUGH: Yeah. Do it.

19 DR. WADE: That is less than a year off, and

20 by the time this report is finished in July, it will

21 be six months off, June or July.

22 SENATOR CHILDERS: That's one year from

23 January 1st, 2001.

24 DR. WADE: Oh, by 2002.

25 SENATOR CHILDERS: I was using existing

1 language there.

2 DR. WADE: Okay. All right. Chair?

3 MS. MAHFOOD: Okay. We're ready for the

4 vote.

5 DR. WADE: "An interagency task force of the

6 Departments of Conservation, Natural Resources,

7 Agriculture and representatives of industry and

8 environmental organizations and professional forestry

9 organizations and the School of Forestry and Natural

10 Resources, University of Missouri should be created to

11 evaluate the existing definition of best management

12 practices by January 1st, 2002."

13 MR. MAHFOOD: That's it. Call for the vote.

14 MS. WEISS: Bedan?

15 MR. BEDAN: Yes.

16 MS. WEISS: Childers?

17 SENATOR CHILDERS: Yes.

18 MS. WEISS: Conley?

19 MR. CONLEY: Yes.

20 MS. WEISS: Day?

21 MR. DAY: Yes.

22 MS. WEISS: Driskill?

23 (No response.)

24 MS. WEISS: Firebaugh?

25 MS. FIREBAUGH: Yes.

1 MS. WEISS: Garnett?
2 MR. GARNETT: Yes.
3 MS. WEISS: Law?
4 MR. LAW: Yes.
5 MS. WEISS: Mahfood?
6 MR. MAHFOOD: Yes.
7 MS. WEISS: Saunders?
8 MR. SAUNDERS: Yes.
9 MS. WEISS: Smith?
10 MR. SMITH: Yes.
11 DR. WADE: "Develop an incentive approach to
12 sustainable forestry management and use of BMPs."
13 Are we ready for a quick roll call on that?
14 MR. MAHFOOD: Okay.
15 DR. WADE: Chair?
16 MR. MAHFOOD: Let's go.
17 MS. WEISS: Childers?
18 SENATOR CHILDERS: Aye -- or no. Pardon me.
19 No.
20 MS. WEISS: No?
21 Conley?
22 MR. CONLEY: No.
23 MS. WEISS: Day?
24 MR. DAY: No.
25 MS. WEISS: Firebaugh?

1 MS. FIREBAUGH: No.
2 MS. WEISS: Garnett?
3 MR. GARNETT: Are we voting on (B) up there?
4 DR. WADE: Yes.
5 MR. GARNETT: Yes.
6 MS. WEISS: Law?
7 MR. LAW: No.
8 MS. WEISS: Mahfood?
9 MR. MAHFOOD: Yes.
10 MS. WEISS: Saunders?
11 MR. SAUNDERS: Yes.
12 MS. WEISS: Smith?
13 MR. SMITH: No.
14 MS. WEISS: Bedan?
15 MR. BEDAN: Yes.
16 MS. WEISS: Four yes; six no.
17 DR. WADE: "Develop a database about forest
18 resources in Missouri similar to what is presently
19 done for agriculture in the Census of Agriculture.
20 The database needs to include: Forest land ownership;
21 an annual inventory and survey of forest resources and
22 use."
23 MR. LAW: My only question would be, how
24 doable is that?
25 MS. FIREBAUGH: Easy.

1 SENATOR CHILDERS: Could I suggest --
2 DR. WADE: Yes.
3 SENATOR CHILDERS: -- encourage the
4 development of a database instead of develop, because
5 you say we're going to develop it. It might be a
6 little harder to do, but encourage development, that
7 might --
8 DR. WADE: Is that an acceptable change,
9 encourage the development?
10 MS. FIREBAUGH: No. I think we ought to do
11 this one.
12 SENATOR CHILDERS: I don't want to meet for
13 the next two or three years.
14 MS. FIREBAUGH: No. I mean, we're not doing
15 it. We'll have a department or a committee develop
16 it, but I think --
17 SENATOR CHILDERS: That's why I said
18 "encourage development."
19 MS. FIREBAUGH: I think we ought to mandate
20 or require or be more assertive on the development of.
21 DR. WADE: Okay. Further discussion on
22 this?
23 Yes.
24 MR. SAUNDERS: I might comment there, the
25 National Ag Statistics Service, a Division of USDA,

1 and for the state of Missouri, their office is in
2 Columbia, they do surveys now, and this Farm Facts
3 Book is what they put together and compile the data
4 for all of the major ag commodities.

5 Forest products, there is limited
6 information about that. They could do that; however,
7 it requires the dollars to get them to add that to
8 their listing.

9 Now, I think MDC works with maybe the U.S.
10 Forestry Service, and maybe there is other ways of
11 getting that done, but that's one option, is to have
12 NASS, as we call them, do a survey. And they could do
13 that, but it requires money and -- and a budget,
14 department budget to get that done.

15 I can't address what MDC -- their options
16 there.

17 MR. CONLEY: Well, we're working on quite a
18 bit of that, but there is 270,000 landowners that own
19 ten acres or more of timber in the state, so that
20 gives you an idea of the magnitude you're talking
21 about, just getting the landownership all tied
22 together.

23 And then the annual inventory, we're
24 working -- you know, we're sampling a certain portion
25 of the state on a five-year rotation, but if you mean

1 an annual inventory of the whole state every year, we
2 probably wouldn't be able to do that, you know, versus
3 every five years you run through the whole state,
4 but -- so --

5 DR. WADE: Emily?

6 MS. FIREBAUGH: But, Jerry, when we say
7 "annual inventory" doesn't that keep in step with -- I
8 mean, your annual inventory may be only one quadrant
9 of the state at a time.

10 MR. CONLEY: Well, that's fine, as long as
11 we understand that that's what it means.

12 MS. FIREBAUGH: I mean, let's not make it
13 more definite for your department to have to wrestle
14 with, but you want to do a forestland ownership survey
15 or database, anyway, don't you? And you are doing an
16 annual inventory. I mean, I don't want us to say,
17 well, you've got to do the whole state.

18 So if we leave the wording that vague, is it
19 okay if we say that we want you to continue developing
20 a database or that we want you -- wouldn't it be
21 easier to get funding to keep developing a database if
22 we said that's what we wanted you to do?

23 MR. CONLEY: Well, it might. The -- my only
24 point was just to make sure that everybody understood
25 that we would -- I can't see us ever doing an annual

1 inventory of the forest resources every year.

2 MS. FIREBAUGH: No.

3 MR. CONLEY: We work on an inventory every

4 year, but --

5 MS. FIREBAUGH: That was explained to us

6 real well by one of your department members that

7 explained the rotation part of it.

8 SENATOR CHILDERS: You know, I will throw

9 out one thing. I notice we're all in pretty well

10 agreement that it could probably be worked out within

11 the people that are doing this.

12 I think we've got about 10 or 12 minutes and

13 we've got to adjourn. We're required to adjourn at

14 four, if I recall correctly. Wasn't that our stated

15 agenda for the minutes? I think it was.

16 MR. DAY: It stated that times could

17 fluctuate.

18 DR. WADE: It stated that 4:00 is

19 approximate.

20 MS. WEISS: And at the bottom it says,

21 "Adjourn at the close of business."

22 DR. WADE: I assume we can go to the

23 completion.

24 What do you want to do with this one?

25 MS. FIREBAUGH: I want to call it to a vote.

1 DR. WADE: Okay. As is.
2 MR. MAHFOOD: I haven't heard any other
3 changes.
4 Llona?
5 MS. WEISS: Conley?
6 MR. CONLEY: Aye.
7 MS. WEISS: I'm sorry?
8 MR. CONLEY: Yes.
9 MS. WEISS: Day?
10 MR. DAY: Yes.
11 MS. WEISS: Firebaugh?
12 MS. FIREBAUGH: Yes.
13 MS. WEISS: Garnett?
14 (No response.)
15 MS. WEISS: Law?
16 (No response.)
17 MS. WEISS: Mahfood?
18 MR. MAHFOOD: Yes.
19 MS. WEISS: Saunders?
20 MR. SAUNDERS: Yes.
21 MS. WEISS: Smith?
22 MR. SMITH: Yes.
23 MS. WEISS: Bedan?
24 MR. BEDAN: Yes.
25 MS. WEISS: Childers?

1 SENATOR CHILDERS: Yes.

2 MS. WEISS: Garnett?

3 MR. GARNETT: Yes.

4 MS. WEISS: Ten yes.

5 DR. WADE: "Companies should be encouraged

6 to use the Sustainable Forest Initiative on all

7 forestlands and participate in verification process."

8 Discussion on this one?

9 MR. LAW: Could you say companies should be

10 encouraged to advocate the use of SFIs on all

11 forestland?

12 DR. WADE: To advocate?

13 MR. LAW: To advocate.

14 DR. WADE: Is that more appropriate? Okay.

15 MR. LAW: Well, if we're looking on their

16 own lands, they all do that probably; although, if we

17 talk about all companies, I don't know, versus beyond

18 chip mills. Isn't it --

19 MR. SMITH: Could we put encourage companies

20 to use principles of sustainable forestry initiative

21 or other certification programs on forestland, because

22 there are other groups who do that sort of thing?

23 DR. WADE: Okay. Would you repeat that

24 change? I sense that that's acceptable to the

25 Committee. Would you repeat it, please?

1 MR. SMITH: Encourage the use of sustainable
2 forestry initiative practices or other certification
3 programs on all forestlands who participate.

4 I don't know what -- what that particularly
5 means to the verification process, because if it's an
6 SFI -- I think I could subtract -- or strike
7 participate and verification -- cross that --

8 DR. WADE: Not yet. There is a discussion
9 on that.

10 MR. SMITH: -- because that is part of the
11 process under the certification program.

12 SENATOR CHILDERS: Before we get down to
13 that, could I say, to use the practices of sustainable
14 forest -- of sustainable forest; is that what you
15 said? There was so other wording right there in front
16 of you.

17 MR. SMITH: Yes, yes.

18 Use the principles of or practices or -- of
19 such.

20 DR. WADE: Okay. David?

21 MR. BEDAN: On that last phrase -- John, I
22 think on that last phrase the issue was there was some
23 credibility problems of the SFI because they had no
24 outside verification process. It was just
25 self-reporting and internal, and I understand there

1 was some discussion of moving to a more outside
2 process. I would suggest leaving that in there.

3 MR. SMITH: I don't have a problem with
4 verification at all.

5 MR. BEDAN: It is all voluntary.

6 DR. WADE: Additional discussion on this
7 recommendation?

8 Chair?

9 "Company should be encouraged to use the
10 principles of sustainable forest initiative or other
11 certification programs on all forestlands and
12 participate in a verification process.

13 MR. MAHFOOD: Llona, vote.

14 MS. WEISS: Day?

15 MR. DAY: Yes.

16 MS. WEISS: Firebaugh?

17 MS. FIREBAUGH: Yes.

18 MS. WEISS: Garnett?

19 MR. GARNETT: Yes.

20 MS. WEISS: Law?

21 MR. LAW: Yes.

22 MS. WEISS: Mahfood?

23 MR. MAHFOOD: Yes.

24 MS. WEISS: Saunders?

25 MR. SAUNDERS: Yes.

1 MS. WEISS: Smith?
2 MR. SMITH: Yes.
3 MS. WEISS: Bedan?
4 MR. BEDAN: Yes.
5 MS. WEISS: Childers?
6 SENATOR CHILDERS: Yes.
7 MS. WEISS: Conley?
8 MR. CONLEY: Yes.
9 DR. WADE: Okay. Going over to that other,
10 (B), "The possibility of an annual inventory intensive
11 enough to detect resource changes in a short time
12 period should be considered."
13 SENATOR CHILDERS: I believe we already
14 commented awhile ago that that was unlikely that we
15 would ever do that inventory on a yearly basis. I
16 don't know how often we could do it.
17 DR. WADE: David?
18 MR. BEDAN: Maybe the word "inventory" is
19 not the right word here. I think what we had talked
20 about was using remote sensing as a way of evaluating
21 changes in the resource.
22 MR. SMITH: (C) actually --
23 MS. ALICE GELLER: Remember, we split that
24 one into two regulations, landowner education and then
25 research, and this is the research proposal which

1 includes that.

2 DR. WADE: This came out of the discussions
3 from last night.

4 I think what I would recommend is, let's go
5 to consideration of that, and then we can go back and
6 see if (B) and (C) are actually anything new.

7 "Institute a long-term research effort
8 focused in the lower Ozark chip mill sourcing zones
9 utilizing remote sensing to investigate harvest site
10 location methodology and use of BMPs."

11 Yes.

12 SENATOR CHILDERS: Let's also drop the
13 "lower Ozarks" and just say in the chip mill sourcing
14 zone. That's what we did on the other one.

15 MR. MAHFOOD: Can somebody read the two
16 under (C) there, that (A), (B).

17 MS. ALICE GELLER: This is a separate one.

18 MR. MAHFOOD: Yes, I understand. But (A),
19 (B) --

20 DR. WADE: "Two of the research goals would
21 be, can technology effect changes in size class
22 distribution? Can remote sensing be used to help
23 determine the impact of forest fragmentation?"

24 MR. MAHFOOD: Okay.

25 MR. BEDAN: From --

1 DR. WADE: Yes.

2 MR. BEDAN: That's kind of a specific
3 project within the broader concept; is that -- is that
4 right? Is that the way you-all see it?

5 MR. MAHFOOD: I guess I'm seeing the newer
6 one, Dave, being better than that because that's too
7 specific. I like the way the -- I mean, undoubtedly
8 it would include (A) and (B) plus more, if you're
9 going to do what, I think, is my interpretation of the
10 new one.

11 DR. WADE: Discussion on the new one?

12 MR. MAHFOOD: Call for the vote.

13 DR. WADE: Wait a minute. We had one.
14 John?

15 MR. SMITH: Are we going to vote on -- is
16 this replacing --

17 DR. WADE: We will have to come back and
18 have a roll call on the other two.

19 MR. DAY: What are we voting on now?

20 DR. WADE: Institute a long-term research
21 effort.

22 MR. SMITH: I would think that that one
23 would replace -- I know we're going to vote on them,
24 but I would think voting "yes" on that one and then
25 pitching the others would catch it.

1 DR. WADE: Okay. Chair?
2 MR. MAHFOOD: Okay. Let's vote on the new
3 one.
4 MS. WEISS: On this research?
5 MR. MAHFOOD: Yes.
6 MS. WEISS: Firebaugh?
7 MS. FIREBAUGH: Yes.
8 MS. WEISS: Garnett?
9 MR. GARNETT: Yes.
10 MS. WEISS: Law?
11 MR. LAW: Yes.
12 MS. WEISS: Mahfood?
13 MR. MAHFOOD: Yes.
14 MS. WEISS: Saunders?
15 MR. SAUNDERS: Yes.
16 MS. WEISS: Smith?
17 MR. SMITH: Yes.
18 MS. WEISS: Bedan?
19 MR. BEDAN: Yes.
20 MS. WEISS: Childers?
21 SENATOR CHILDERS: Yes.
22 MS. WEISS: Conley?
23 MR. CONLEY: Yes.
24 MS. WEISS: Day?
25 MR. DAY: Yes.

1 MS. WEISS: Ten yes.

2 MS. ALICE GELLER: Do you have a number for
3 that one, Llona?

4 MS. WEISS: Sixty-five.

5 DR. WADE: "The possibility of an annual
6 inventory intensive enough to detect resource changes
7 in a short time period should be considered."

8 Any discussion?

9 Chair -- or David?

10 MR. BEDAN: I should have brought this up
11 earlier.

12 I think one thing this doesn't capture that
13 are in both (B) and (C) is the idea of some sort of
14 annual evaluation, because this one is long-term. I
15 mean, do we want to say something -- we're concerned
16 about rapid changes being introduced by the chip
17 mills, and this doesn't really -- this could speak to
18 it --

19 MR. MAHFOOD: It could.

20 MR. BEDAN: -- but not necessarily.

21 MR. SMITH: Can we add the word "annual"
22 somewhere in that one?

23 MR. BEDAN: Well, including evaluation with
24 annual changes, or something like that?

25 MR. MAHFOOD: We'd have to suspend the rule.

1 DR. WADE: It would be easier to re--
2 rewrite that one and vote on it and just -- and attach
3 it --
4 MS. FIREBAUGH: Which one?
5 DR. WADE: -- to do some minor changes on
6 (B) and attach it than going back and rescinding the
7 rule.
8 Emily?
9 MS. FIREBAUGH: How about if on research we
10 put institute a short-term and long-term research
11 effort, and then we don't lock in --
12 DR. WADE: We don't want to -- don't want to
13 go back and have to bring that one back up on the
14 table. I thought -- I was suggesting that those ideas
15 can be rewritten into (B) and that would be a separate
16 one.
17 MR. CONLEY: You know, my feeling is that
18 that's close enough, really, the one we've got. I
19 mean, any time you get into any kind of research,
20 we're all aware of the fact that we're not going to
21 wait ten years before we -- or after, for annual-type
22 information, but it may take a long-term to get the
23 annual information. I really don't think we'll miss
24 anything by -- by just keeping the one we've got and
25 dropping the other two.

1 DR. WADE: Doyle?

2 SENATOR CHILDERS: Looking at it, did we say
3 that right here on No. A? It was adopted. "An annual
4 inventory and survey for forest resources in use," so
5 we already have it in there, so it's already covered.

6 MS. FIREBAUGH: I think so, too.

7 DR. WADE: David?

8 MR. BEDAN: Well, what does that annual
9 inventory survey apply? Is that -- I guess I'm hung
10 up on what does "inventory" mean? Does that have a
11 kind of traditional meaning of going out and actually
12 on the ground?

13 I'm interested in seeing the sensing
14 technology as at least a partial tool to get a handle
15 on rapid changes, and I'd like to see that somehow
16 specified. I don't think we want to wait years to see
17 what happens.

18 I mean, it's compatible with what we've
19 passed over here, but it's not explicit in that, and I
20 apologize for not -- I should have brought it up in
21 that discussion.

22 DR. WADE: Doyle?

23 SENATOR CHILDERS: Is there any agreement
24 that the combination -- this one over here requires
25 remote sensing. This one says there will be an annual

1 inventory and survey, that they probably are going to
2 bring those together. I mean, it seems like they
3 would bring those together.

4 MS. ALICE GELLER: A suggested --

5 DR. WADE: Go ahead, Alice.

6 MS. ALICE GELLER: The long-term research
7 effort should consider the possibility of annual
8 inventory, and these two.

9 DR. WADE: Would that work okay?

10 We'll do that.

11 Okay. This one now reads -- would you read
12 it, Alice?

13 MS. ALICE GELLER: Yeah. "The long-term
14 research effort should consider an annual inventory
15 intensive enough to detect resource changes in a short
16 time period. Can technology detect changes in size
17 class distribution, and can remote sensing be used to
18 help determine the impact of forest fragmentation."

19 DR. WADE: Okay. Any more discussion on
20 that recommendation?

21 Emily?

22 MS. FIREBAUGH: I want to ask Mr. Conley, if
23 we put that the annual has to be in the resource area,
24 et cetera, et cetera, what are we going to do with the
25 other three sections of the state on annual? I mean,

1 what if they are slated to finish an inventory in the
2 northeast and we're -- we're saying you've got to come
3 down to the southeast? How is that going to affect
4 your Department?

5 MR. CONLEY: Well, I'm probably confused on
6 this.

7 Actually, there is a couple of things
8 involved here. On the chip mill area, you know, the
9 intent is to see quickly if there is some way to use
10 remote sensing to detect immediate changes that are
11 taking place. I mean, I think that's the real thrust.

12 Now, in the rest of the state, if you -- if
13 you found that technique, you could apply it at the
14 rest of the state on any other problem you ran into.
15 That's why they are all -- they all fit together. So
16 when you're doing an annual inventory somewhere else,
17 when you had the technique developed, you could
18 certainly use that technique.

19 I suspect what we would do is concentrate on
20 the chip mill areas first and try to develop the
21 technique. So that's how it would fit together.

22 MS. FIREBAUGH: Do you feel comfortable with
23 that?

24 MR. CONLEY: I'm not sure whether the
25 technique is possible even, but if it is, you know,

1 that's where we -- that's where we'll concentrate on
2 trying to get it first.

3 DR. WADE: Chair?

4 MR. MAHFOOD: Let's call for the vote.

5 Please inform us again, Alice, of what our
6 vote is so everybody understands.

7 MS. ALICE GELLER: "The long-term research
8 effort should consider an annual inventory intensive
9 enough to detect resource changes in short time
10 periods. Can technology detect changes in size class
11 distribution, and can remote sensing be used to help
12 determine impact of forest fragmentation."

13 MR. MAHFOOD: Call for the vote, Llona?

14 MS. WEISS: Garnett?

15 MR. GARNETT: This is six?

16 No.

17 MS. WEISS: Garnett?

18 MR. GARNETT: No.

19 MS. WEISS: Law?

20 MR. LAW: Yes.

21 MS. WEISS: Mahfood?

22 MR. MAHFOOD: Yes.

23 MS. WEISS: Saunders?

24 MR. SAUNDERS: Yes.

25 MS. WEISS: Smith?

1 MR. SMITH: Yes.
2 MS. WEISS: Bedan?
3 MR. BEDAN: Yes.
4 MS. WEISS: Childers?
5 SENATOR CHILDERS: Yes.
6 MS. WEISS: Conley?
7 MR. CONLEY: Yes.
8 MS. WEISS: Day?
9 MR. DAY: Yes.
10 MS. WEISS: Firebaugh?
11 MS. FIREBAUGH: Yes.
12 MS. WEISS: There is one no; nine yes.
13 DR. WADE: Under financial support, "Use
14 revenues derived from the soil conservation portion of
15 the Missouri Parks and Soils Sales Tax to support
16 landowner and public education on sustainable forest
17 management and forest resources in Missouri."
18 Yes.
19 MR. DAY: Just a point of clarification. Do
20 we know for a fact that under the guidelines that tax
21 was passed by the voters that it would meet -- the
22 criteria would meet what we're asking the money to be
23 spent on here? Do we know that for a fact?
24 MR. MAHFOOD: Best guess, it would be.
25 MR. DAY: Or should we put in there, if it

1 meets the guidelines?

2 MR. MAHFOOD: You could, David. I guess I
3 was just assuming that that goes along. I would say
4 that goes along with this, assuming that the correct
5 guidelines -- or the other way, we would go back to
6 the Commission and say, you only do these things that
7 fit the guidelines, because I know there are things
8 that we can do.

9 MR. DAY: I'm just wondering, and some of
10 you-all saw it a lot closer than I did, this huge
11 battle a few years ago, and someone opens that report,
12 it might make their heart rate go down a little bit if
13 it states in there, providing it meets the guidelines.

14 MS. ALICE GELLER: I can remember because of
15 soil survey. I think it has to be tied to soil
16 productivity or crop production or something. I don't
17 know.

18 MR. MAHFOOD: It does, and there is some
19 very -- you couldn't do just anything, I mean, the
20 education and the -- and the landowner support on any
21 of the topics related to what we're discussing here,
22 but I know there are areas that can have -- that
23 formed that -- unfortunately, that north/south
24 battle --

25 MR. DAY: North/south battle.

1 MS. WEISS: -- in the state.

2 So I'm confident. I think we're okay with
3 this, but the assumption has to be. And if you want
4 to add something, that's fine.

5 MR. DAY: I'd like to. I'm not sure.

6 DR. WADE: While he's thinking about that,
7 Doyle?

8 SENATOR CHILDERS: If we can say, and
9 support soil -- soil quality and productivity, can we
10 put that -- in support for landowners -- I don't know
11 that we need to have landowners and public education.
12 Support sustainable forest management and forest
13 resources, if we left that in, that leaves it up to be
14 determined later just how that is interpreted.

15 But if you say soil productivity and -- that
16 would be -- that would tie into the forest -- the
17 forest management part of it too.

18 DR. WADE: What was your -- I missed your
19 suggestion.

20 SENATOR CHILDERS: To support soil
21 productivity for sustainable forest management and
22 forest resources in Missouri. That way it brings it
23 into the purpose of the soil conservation text.

24 DR. WADE: Okay. He is recommending that we
25 change landowner and public education to soil

1 productivity.

2 MR. DAY: That would bring it in the

3 guidelines of the tax.

4 SENATOR CHILDERS: Yeah.

5 -- for sustainable --

6 DR. WADE: For. Is that acceptable to the

7 Committee?

8 MR. MAHFOOD: Senator, I don't know if we're

9 getting too specific or not. I don't want to have

10 it -- I can't tell you. I don't know offhand. It is

11 fairly complicated.

12 MR. DAY: What did you -- something -- I'm

13 not good add wording those things, but something about

14 within the guidelines of the current --

15 SENATOR CHILDERS: Yeah.

16 MR. DAY: -- acts.

17 DR. WADE: Leave it as it originally was.

18 Only then put, after resources in Missouri within the

19 guidelines of.

20 MS. ALICE GELLER: Don't do this?

21 DR. WADE: Let me try reading it this other

22 way and see how it is.

23 "Use revenues derived from the soil

24 conservation portion of Missouri's Parks and Soil

25 Sales Tax to support landowner and public education on

1 sustainable forest management and forest resources in
2 Missouri within the guidelines of the current
3 legislation.

4 John?

5 MR. SAUNDERS: Would we -- I would feel more
6 comfortable if we said "consider" at the beginning,
7 consider the use of revenues.

8 DR. WADE: Clear at the first.

9 MS. ALICE GELLER: Yeah. I'm just thinking
10 how to do it.

11 MR. SAUNDERS: And that's way it's not a
12 "shall" or "should." Consider the use of revenues,
13 and that way it's not a "shall" or a "should."

14 DR. WADE: Consider use of -- we need an
15 "of" in there. Okay.

16 MR. DAY: But if it -- if it falls within
17 those guidelines, then those people have the right to
18 those funds, so I -- to me that says, if it falls
19 within the guidelines, we'll consider it. And I think
20 if it falls within the guidelines, you do it.

21 MS. FIREBAUGH: Oh, yeah.

22 MR. DAY: I know that's splitting hairs, but
23 I don't know.

24 DR. WADE: He's suggesting that we not
25 include the "consider" there.

1 MR. MAHFOOD: The only thing I -- David, the
2 thing is, they are going to wind up, because we have a
3 commission making those decisions and then local
4 districts, it's going to be "consider" anyway. I
5 mean, it's like any of the recommendations we're
6 making. I mean, this will be important to them to
7 hear this, but, you know, like any commission, they
8 are going to say, Well, it's our decision to make how
9 the -- how we consider --

10 MR. DAY: I understand that.

11 MR. MAHFOOD: -- this, so that's not -- that
12 doesn't change anything in my mind.

13 MR. DAY: Like I said, I know we're
14 splitting hairs.

15 SENATOR CHILDERS: The thing that worries me
16 just a little bit is I think any time you get away
17 from -- from soil conservation or something -- I can
18 recall a number of those fights over the years, you
19 know, from probably the last 15 years, roughly, 10 or
20 15, and it seems like when you get away from anything
21 that refers to soil, just on the base of it, they say,
22 that doesn't deal with the purpose of those funds.

23 So that's the only reason I think -- and I
24 don't know what the wording is. I mean, it's a tough
25 one to word, but I suspect we're going to run into

1 some headaches.

2 MR. DAY: I'm sorry. Go ahead, Jay.

3 MR. LAW: Well, I'm concerned, too, because
4 this federation has worked very hard to get signatures
5 and all that backup and the Legislature has worked
6 very hard, and there were people coming in that would
7 like to have seen the money used for different things.
8 And I think from the information what little is gained
9 is well used for the purposes designed.

10 And I just -- I don't -- and, you know, I
11 haven't yet seen a great big need for more funds, you
12 know. I don't think we have provided a real good
13 story for more funds. We're depending upon the
14 existing agencies right now, and it probably is an
15 education, but I -- you know, I'm a little leery of
16 beginning to say we could use it here and there.

17 MR. DAY: I don't think we ought to have
18 landowner and public education in there. I think it
19 ought to be soil productivity or protection of soil
20 erosion or something like that, because, as I
21 understand it, those funds weren't passed by the
22 voters for educational purpose. They were passed for
23 practices.

24 DR. WADE: Steve?

25 MR. MAHFOOD: I was just going to say I

1 agree. I think it should.

2 MR. DAY: Leave soil productivity in there.

3 MR. CONLEY: I think I would put the word

4 "sustain" in there instead of support, to sustain soil

5 productivity --

6 MR. MAHFOOD: Yeah, that's good.

7 MR. CONLEY: -- for forest management and

8 forest resources.

9 DR. WADE: Okay. Yes, Emily?

10 MS. FIREBAUGH: Will this open the door for

11 me to come to apply for funding for, let's say,

12 reclamation of badly cut timberland?

13 Be careful of the door you open, guys. I'll

14 be there.

15 MR. MAHFOOD: Well, you've got local

16 districts, and there are certain practices that do

17 qualify that people don't take advantage of. Now,

18 that's probably going to be one that probably wouldn't

19 get very far.

20 MS. FIREBAUGH: You don't know.

21 MR. MAHFOOD: No, I don't know, but I'm just

22 saying it probably wouldn't. But if it was

23 something -- I mean, there have been people that have

24 come back in that have had problems or buy a piece of

25 land and came in for a practice and an approval of a

1 practice. I mean, it's very possible. And if it
2 leads to decreased soil erosion and increased soil
3 productivity, it's been giving a hearing. I mean,
4 it's --

5 MR. DAY: That's the test.

6 DR. WADE: Any further discussion?

7 Yes, John.

8 MR. SMITH: I think we should call for the
9 question.

10 DR. WADE: Any further discussion by anyone?

11 (No response.)

12 DR. WADE: Chair?

13 MR. MAHFOOD: Llona?

14 MS. WEISS: Law?

15 MR. LAW: Yes.

16 MS. WEISS: Mahfood?

17 MR. MAHFOOD: Yes.

18 MS. WEISS: Saunders?

19 MR. SAUNDERS: Yes.

20 MS. WEISS: Smith?

21 MR. SMITH: Yes.

22 MS. WEISS: Bedan?

23 MR. BEDAN: Yes.

24 MS. WEISS: Childers?

25 SENATOR CHILDERS: Yes.

1 MS. WEISS: Conley?
2 MR. CONLEY: Yes.
3 MS. WEISS: Day?
4 MR. DAY: Yes.
5 MS. WEISS: I'm sorry?
6 MR. DAY: Yes.
7 MS. WEISS: Firebaugh?
8 MS. FIREBAUGH: Yes.
9 MS. WEISS: Garnett?
10 MR. GARNETT: Yes.
11 MS. WEISS: Ten yes.
12 DR. WADE: Have we just done basically (C)?
13 Okay? Is that the same thing?
14 MR. MAHFOOD: No.
15 DR. WADE: "Use the Conservation sale tax as
16 a source of funding for programs that enhance forestry
17 programs."
18 Discussion?
19 MR. CONLEY: Well, we've done it since 1976.
20 In mean, I think this is totally superfluous. It
21 being up there is totally wasted. I mean, what's to
22 be gained by saying use something we've been using
23 since 1976 to a big degree.
24 It spells it out in the Constitution it can
25 be and everything else, so I would say we don't

1 even -- why discuss it? Let's just vote it down and
2 get rid of it.

3 MR. DAY: Do we want to put in language to
4 continue or what? I mean, we've done that on a number
5 of other things, to say that we support the continued
6 efforts of.

7 DR. WADE: Support the continued use of?

8 MR. DAY: We've done that on a number of
9 issues.

10 MR. CONLEY: It's okay to do that. I mean,
11 it doesn't hurt anything.

12 SENATOR CHILDERS: It recognizes what you're
13 doing.

14 MR. CONLEY: Sure.

15 DR. WADE: Support the continued use of.

16 MR. CONLEY: Okay.

17 DR. WADE: I think that was up there,
18 because someone wanted to recognize that and support
19 it.

20 Is there any discussion on that?

21 Yes.

22 MR. GARNETT: I want to put in "by MDC."

23 MR. SAUNDERS: Yeah, I think so, too. I
24 agree.

25 DR. WADE: By MDC.

1 MR. SAUNDERS: And take out -- I guess, I
2 would think we ought to commend MDC for -- for their
3 programs that enhance forestry programs and just
4 forget about mentioning the tax, because if you go to
5 mentioning a tax, then that -- that raises some
6 questions, Oh, you mean they haven't been using this,
7 or they -- whatever. I just think it would be --
8 MR. DAY: I think when you say "support the
9 continued" that says they have been using it and
10 probably a lot of folks would like to see that that's
11 one of the areas they are using it.
12 SENATOR CHILDERS: Could we just say then,
13 support the continued use of the Missouri Department
14 of Conservation conservation sales tax, or something
15 like that, by MDC?
16 DR. WADE: Okay. Chair.
17 MR. MAHFOOD: Let's call for the vote.
18 MS. WEISS: Mahfood?
19 MR. MAHFOOD: Yes.
20 MS. WEISS: Saunders?
21 MR. SAUNDERS: Yes.
22 MS. WEISS: Smith?
23 MR. SMITH: Yes.
24 MS. WEISS: Bedan?
25 MR. BEDAN: Yes.

1 MS. WEISS: Childers?
2 SENATOR CHILDERS: Yes.
3 MS. WEISS: Conley?
4 MR. CONLEY: Yes.
5 MS. WEISS: Day?
6 MR. DAY: Yes.
7 MS. WEISS: Firebaugh?
8 MS. FIREBAUGH: Yes.
9 MS. WEISS: Garnett?
10 MR. GARNETT: Yes.
11 MS. WEISS: Law?
12 MR. LAW: Yes.
13 MS. WEISS: Ten yes.
14 DR. WADE: "Have a discount in workman
15 compensation costs if loggers, sawyers, and millers
16 are licensed and/or trained to ensure quality of the
17 work site and BMPs."
18 John?
19 MR. SMITH: I don't know that we can -- can
20 have anything to do with that. I mean, that's the
21 prerogative of insurance companies and underwriters to
22 decide if discounts are warranted.
23 SENATOR CHILDERS: Call for the vote.
24 DR. WADE: Any further comments?
25 Emily?

1 MS. FIREBAUGH: I have a question. Doesn't
2 the State set our workman comp rates?
3 SENATOR CHILDERS: Nope. They are set by
4 the marketplace, is what sets them.
5 MS. FIREBAUGH: And it's not regulated by
6 the State?
7 SENATOR CHILDERS: No.
8 MR. SMITH: It is regulated, but I don't
9 think they are set by the State, not any more.
10 MR. DAY: They regulate the guidelines and
11 all of that, but not the rate.
12 DR. WADE: Chair?
13 MR. MAHFOOD: Let's call for the vote.
14 MS. WEISS: Wait a minute. Let me find this
15 one.
16 Do you know what heading this is?
17 MS. ALICE GELLER: I'm trying to remember.
18 MS. FIREBAUGH: Financial Support.
19 DR. WADE: That was under Financial Support.
20 That's (H) under Financial Support.
21 MS. FIREBAUGH: Page 11.
22 MS. WEISS: Okay. Mahfood?
23 MR. MAHFOOD: Yes.
24 MS. WEISS: Saunders?
25 MR. SAUNDERS: Yes.

1 MS. WEISS: Smith?
2 MR. SMITH: No.
3 MS. WEISS: Bedan?
4 MR. BEDAN: No.
5 MS. WEISS: Childers?
6 SENATOR CHILDERS: No.
7 MS. WEISS: Conley?
8 MR. CONLEY: No.
9 MS. WEISS: Day?
10 MR. DAY: No.
11 MS. WEISS: Firebaugh?
12 MS. FIREBAUGH: Yes.
13 MS. WEISS: Garnett?
14 MR. GARNETT: No.
15 MS. WEISS: Law?
16 MR. LAW: No.
17 MS. WEISS: Three yes; seven no.
18 MR. SAUNDERS: Could I -- I meant to vote
19 no. I said yes, but I meant to vote no. Could I
20 change that. Is that okay?
21 MS. FIREBAUGH: How did all of those blue
22 dots turn red all of a sudden? Am I going color
23 blind. Have I been here so long I'm going color
24 blind?
25 DR. WADE: "Special funding be" --

1 MR. DAY: These are things we have agreement
2 on.

3 DR. WADE: "Special funding be provided by
4 the Missouri Legislature to support the study of
5 environmental economics and social impact of chip
6 mills in the Missouri Ozarks. The Missouri Forest
7 Resources Council should invite the assistance of MDC,
8 DNR, Agriculture and others in finding the means for
9 funding payments to landowners under the Revised State
10 Forestry Act, as well as the funding for forest
11 landowner education."

12 MS. FIREBAUGH: Just call this one.

13 MR. LAW: I wrote it, but it may be that the
14 thing that we get out of this right now is just that
15 first sentence, which would be to have the Legislature
16 support the study of the environmental and social
17 impacts of chip mills in Missouri, which we've already
18 talked about having.

19 MS. FIREBAUGH: Yeah, a million times.

20 DR. WADE: Your discussion is that we cross
21 the rest of it out?

22 MR. LAW: Yeah.

23 DR. WADE: Okay. Is that agreeable?

24 Okay. Any comments on that recommendation?

25 Emily?

1 MS. FIREBAUGH: I think that's already being
2 done. Explain to me how you want to expand it or
3 further it. If it's to keep funding this Committee,
4 I'm going to vote no.

5 MR. LAW: No, no, no. It's just for the
6 study -- the two- or three-year study. I figure if
7 the Legislature provides some money -- they would set
8 a limit -- and they would get a report.

9 MS. FIREBAUGH: Okay. Okay.

10 DR. WADE: Chair?

11 MR. MAHFOOD: Call for the vote.

12 Are you ready, Llona?

13 MS. WEISS: Uh-huh. Saunders?

14 MR. SAUNDERS: I guess, yes.

15 MS. WEISS: Smith?

16 MR. SMITH: Yes.

17 MS. WEISS: Bedan?

18 MR. BEDAN: Yes.

19 MS. WEISS: Childers?

20 SENATOR CHILDERS: Yes.

21 MS. WEISS: Conley?

22 MR. CONLEY: Yes.

23 MS. WEISS: Day?

24 MR. DAY: Yes.

25 MS. WEISS: Firebaugh?

1 MS. FIREBAUGH: Yes.
2 MS. WEISS: Garnett?
3 MR. GARNETT: No.
4 MS. WEISS: Law?
5 MR. LAW: Yes.
6 MS. WEISS: Mahfood?
7 MR. MAHFOOD: Yes.
8 MS. WEISS: It's nine yes, and one no.
9 DR. WADE: "Money to address soil erosion on
10 forestland should be made available from the Soil and
11 Water Conversation Fund."
12 Is that exactly what we just did?
13 MR. MAHFOOD: Yes, it is.
14 DR. WADE: Yes. We still need to do the
15 roll call vote on this one.
16 MR. MAHFOOD: Okay. Call for the vote.
17 MS. WEISS: Smith?
18 MR. SMITH: No.
19 MS. WEISS: Bedan?
20 MR. BEDAN: Yes.
21 MS. WEISS: Childers?
22 SENATOR CHILDERS: No.
23 MS. WEISS: Conley?
24 MR. CONLEY: No.
25 MS. WEISS: Day?

1 MR. DAY: No.

2 MS. WEISS: Firebaugh?

3 MS. FIREBAUGH: No.

4 MS. WEISS: Garnett?

5 MR. GARNETT: No.

6 MS. WEISS: Law?

7 MR. LAW: No.

8 MS. WEISS: Mahfood?

9 MR. MAHFOOD: Yes.

10 MS. WEISS: Saunders?

11 MR. SAUNDERS: No.

12 MS. WEISS: Two yes; eight no.

13 DR. WADE: I think we just got to the one

14 we've been waiting since 6:30 last night to get to.

15 "It is paramount to have legislative or administrative

16 initiatives related to timber management recognized as

17 fundamental rights of property owners. This Committee

18 believes property rights must be protected as

19 consideration is given to increased regulation of

20 Missouri's timber resources. We do not advocate

21 policies that encourage the degradation of our soil

22 and water resources, nor do we seek to unduly restrict

23 landowners' discretion to make responsible land use

24 decisions."

25 Discussion on this recommendation?

1 Yes.

2 SENATOR CHILDERS: There is an extra "a"
3 there which should not be there, "protect as a
4 consideration" should be, "protect as consideration."
5 That would make it a dollar amount or something.

6 DR. WADE: David?

7 MR. BEDAN: Well, I think we should have a
8 balanced statement, and I feel that rights and
9 responsibilities are always two sides of the same
10 coin. And the first part, the first two sentences is
11 a statement of the rights of the landowner, but the
12 last sentence is kind of a negative statement about
13 responsibility. We do not advocate policies,
14 encourage degradation of the soil.

15 I think we should make that positive by
16 saying something like we also believe that Missouri
17 Natural Resources must be protected and that
18 landowners have an obligation to protect those
19 resources. Then you have some of the two great goods,
20 you know, protection of public -- of the landowners
21 property rights, protection of the public -- the
22 Natural Resources.

23 Those are two principles which are often in
24 conflict, and what we've been doing for a year and a
25 half is kind of working out the details of how you --

1 how you balance those two goods.

2 But the way it's stated, it has a strong
3 statement of property rights, and then it has a very
4 backhanded kind of negative statement of the need to
5 protect resources. And it doesn't have any -- it
6 doesn't have a good sense of -- that the landowners
7 have an obligation to protect the natural resources,
8 so I would suggest that change as I read.

9 MR. DAY: I wrote it, and I guess whatever
10 my idea was, of course, to me property rights are
11 extremely important. But it is important, taking care
12 of the environment, too, and I guess that's what my
13 language is trying to say. We think property rights
14 are important, but in -- in the avenue of protecting
15 the property rights, we don't support anything that's
16 going to screw up soil and water.

17 MR. BEDAN: Right. I understand. You have
18 a certain balance to it, but it's kind of unbalanced
19 by the fact that that last part is put in a negative
20 way, and I'd rather see two positive statements.

21 DR. WADE: Doyle?

22 SENATOR CHILDERS: Could I suggest, this
23 Committee believes property rights must be protected
24 as consideration is given to increased regulation in
25 the Missouri timber resources. We advocate policies

1 that protect our soil and water resources without
2 unduly restricting landowner discretion to make
3 responsible landowner decisions. Is that --

4 DR. WADE: That's different than what --
5 that's different than what David was saying.

6 MR. BEDAN: That's a little better, but I
7 don't think it quite --

8 MR. DAY: Let's just throw them back up.

9 MR. BEDAN: I don't think it quite balances
10 the idea that there is landowner rights and there is
11 the need for protecting resources. And those are two
12 guides which are often in conflict, and we -- you
13 know, we support both of them. How you balance the
14 two is something we've been struggling with for a year
15 and a half.

16 DR. WADE: Would you like to state how you
17 would like to see that.

18 MR. BEDAN: What I suggested was for the --
19 replacing the last sentence by a statement that says
20 we also believe that Missouri's Natural Resources must
21 be protected and that landowners have an obligation to
22 protect those resources. Now, it doesn't say how
23 much, just like it doesn't say how much the rights are
24 either.

25 DR. WADE: Write that up there so we can see

1 it.

2 MR. MAHFOOD: Chair -- go ahead, Emily.

3 MS. FIREBAUGH: In conjunction with that, I

4 would like to add to this that we also believe that

5 there should no -- there should not be any commercial

6 harvesting of State-owned land.

7 MR. LAW: Come on, Emily.

8 MR. DAY: Bring it up separate. Bring it up

9 separate.

10 MS. FIREBAUGH: It doesn't have it on there

11 anywhere. I've brought it up at every meeting, and we

12 don't have that.

13 MR. DAY: We're getting ready to vote on

14 that. You bring it up after we're done with this one.

15 MR. BEDAN: Do that one after this one.

16 MR. DAY: You betcha. I'd love to vote on

17 it.

18 MS. FIREBAUGH: Jay, if I didn't rattle your

19 cage on that, you would go to sleep on it.

20 MR. DAY: You okay, Jerry? Give him some

21 oxygen.

22 DR. WADE: Now, the recommendation has been

23 made that the following sentence, We also believe that

24 Missouri's Natural Resources must be protected and

25 that landowners have an obligation to protect those

1 resources, to replace what Alice just put in the
2 bracket. What's the Committee's pleasure on this?

3 MR. CONLEY: What about the significance
4 that Doyle had, too, of that other -- could that be
5 put up there, too, so we could see it?

6 DR. WADE: Okay. Doyle, also put yours, and
7 we may talk about David's being added as another
8 sentence.

9 SENATOR CHILDERS: We advocate policies that
10 protect our soil and water resources without unduly
11 restricting. That's basically it.

12 DR. WADE: Okay. Let me -- let me read it
13 now as it would read. Let me read it first as it
14 would read.

15 It is paramount that legislative or
16 administrative initiatives relative to timber
17 management recognize the fundamental rights of
18 property owners. This Committee believes property
19 rights must be protected as consideration is given to
20 increased regulation of Missouri's timber resources.
21 We advocate policies that protect our soil and water
22 resources without unduly restricting landowners'
23 discretion to make responsible land use decisions. We
24 also believe that Missouri's Natural Resources must be
25 protected and that landowners have an obligation to

1 protect those resources.

2 MR. MAHFOOD: Okay. So you're read it --

3 you're incorporating both sets of changes into one

4 statement?

5 DR. WADE: Yes.

6 MR. MAHFOOD: I have an additional --

7 DR. WADE: Let's -- okay.

8 MR. MAHFOOD: I have an additional change

9 just because I want it to fit. In the first

10 paragraph, third line, it says, "fundamental rights."

11 I think it would be a good place to put fundamental

12 rights and responsibilities of the property owners,

13 and I don't think that changes --

14 DR. WADE: The statement addresses both.

15 MR. SMITH: That's a good idea.

16 DR. WADE: Okay. Now --

17 MR. SAUNDERS: I had -- instead of

18 policies -- or maybe we want ". . . and land use" --

19 we encourage land use practices that protect our soil

20 and water resources.

21 MR. BEDAN: Yeah, that's good.

22 MR. DAY: But as we discussed, and as David

23 pointed out, I was far too heavy on the property

24 rights side. Now I think we're going -- three-

25 quarters of it now is on the other side.

1 MR. CONLEY: Well, there is two separate
2 statements up there. Right? I mean, that last
3 written one could be treated as a separate version, so
4 we could just vote on the first half, too, and then --
5 DR. WADE: That last part --
6 MR. SAUNDERS: Yeah, that last part doesn't
7 need to be in if we make the changes up above.
8 MR. MAHFOOD: Which last part?
9 DR. WADE: We have two last parts.
10 MS. ALICE GELLER: We have one version of
11 this alone and one version is this with this.
12 DR. WADE: We have --
13 MR. DAY: I'd like to vote on the top half,
14 the preprinted part with those changes.
15 MS. ALICE GELLER: You want me to read it?
16 DR. WADE: Yeah.
17 MS. ALICE GELLER: "It is paramount that
18 legislative or administrative initiatives relative to
19 timber management recognize the fundamental rights and
20 responsibilities of property owners. This Committee
21 believes property rights must be protected as
22 consideration is given to increased regulation of
23 Missouri's timber resources. We advocate policies and
24 land use practices that protect our soil and water
25 resources without unduly restricting landowners'

1 discretion to make responsible land use decisions."
2 MS. FIREBAUGH: I make a motion we vote on
3 that section as she just read it.
4 MR. GARNETT: Second.
5 DR. WADE: And then vote on the last
6 sentence as if it is to be added to it?
7 MR. DAY: That's fine.
8 MR. MAHFOOD: All right. Let me make sure
9 we're all clear. We vote on the top part, so that's
10 clear, right now, and then the next decision would
11 be -- the entire package would be both top and bottom
12 together?
13 MR. CONLEY: Uh-huh.
14 MS. WEISS: Because I don't see the bottom
15 sitting by itself without the top.
16 MR. MAHFOOD: All right. Are you prepared,
17 Llona?
18 MS. WEISS: I'm ready.
19 Bedan?
20 MR. BEDAN: Yes.
21 MS. WEISS: Childers?
22 SENATOR CHILDERS: Yes.
23 MS. WEISS: Conley?
24 MR. CONLEY: Yes.
25 MS. WEISS: Day?

1 MR. DAY: Yes.
2 MS. WEISS: Firebaugh?
3 MS. FIREBAUGH: Yes.
4 MS. WEISS: Garnett?
5 MR. GARNETT: Yes.
6 MS. WEISS: Law?
7 MR. LAW: Yes.
8 MS. WEISS: Mahfood?
9 MR. MAHFOOD: No.
10 MS. WEISS: Saunders?
11 MR. SAUNDERS: Yes.
12 MS. WEISS: Smith?
13 MR. SMITH: Yes.
14 MS. WEISS: Nine yes; one no.
15 MR. MAHFOOD: Okay. Now, we're voting on
16 the package of the top and the bottom together?
17 DR. WADE: Yes.
18 MR. MAHFOOD: Whenever you are ready, Llona.
19 DR. WADE: It is really a vote to add the
20 bottom to the top?
21 MR. MAHFOOD: Well, they are together.
22 MS. WEISS: Okay. Childers?
23 SENATOR CHILDERS: Aye. I said aye.
24 MS. WEISS: I thought you said "uh."
25 Conley?

1 MR. CONLEY: No.
2 MS. WEISS: Day?
3 MR. DAY: No.
4 MS. WEISS: Firebaugh?
5 MS. FIREBAUGH: No.
6 MS. WEISS: Garnett?
7 MR. GARNETT: No.
8 MS. WEISS: Law?
9 MR. LAW: No.
10 MS. WEISS: Mahfood?
11 MR. MAHFOOD: Yes.
12 MS. WEISS: Saunders?
13 MR. SAUNDERS: No.
14 MS. WEISS: Smith?
15 MR. SMITH: Yes.
16 MS. WEISS: Bedan?
17 MR. BEDAN: Yes.
18 MS. WEISS: Four yes; six no.
19 MR. SMITH: What's that last one hanging
20 back there?
21 DR. WADE: That is not one. That's one that
22 was broken into two and we dealt with them as two
23 separate ones.
24 MR. SMITH: I want to do more.
25 DR. WADE: The other thing -- can I get your

1 attention, please.

2 MR. MAHFOOD: Please.

3 DR. WADE: Bernie has a handout of changes
4 that he's going to be working on on Part 1 and 2. You
5 need to get a copy of that -- this is Part 3 that we
6 just finished. There's some changes that have come
7 out in public hearings and so forth that will involve
8 mostly upgrading 1 and 2. I don't think we need to
9 deal with those today, but these are things Bernie
10 will be working on.

11 I want to turn it back to the Chair.

12 MR. MAHFOOD: All right. We're not finished
13 with the meeting yet, even though I know some people
14 have to leave. We've got to at least confirm -- go
15 back to the schedule, and we have a public comment
16 period, and I have five people that have asked to
17 speak to the Committee at the end of meeting.

18 Just so you know, the -- we talked about at
19 last meeting, what we wanted to have for the next
20 meeting is a draft that we could approve to go out,
21 which is why we had to really drive hard on these so
22 we would not have it left over and then have you-all
23 wondering about how these were going to be manipulated
24 after the next meeting. These should be ready for the
25 next meeting, as are Bernie's -- that's why we've

1 pushed Bernie to get these changes done. So the next
2 meeting we ought to know what the heck we're sending
3 out to the meeting.

4 DR. WADE: Bernie and I have already talked.
5 We will commit to have that next draft to the Chairs
6 by the -- by the 27th of April.

7 DR. BERNIE LEWIS: Two weeks before the
8 meeting.

9 DR. WADE: Two weeks before the meeting.

10 MR. MAHFOOD: Two weeks before the meeting.

11 DR. WADE: The first Monday in May.

12 MR. MAHFOOD: Dave?

13 MR. DAY: I had asked Mr. Wade this earlier.
14 In the report I don't remember what we decided or if
15 we decided, will the roll call votes be reflected in
16 the report by name or number, or how did we -- did we
17 decide that?

18 MR. MAHFOOD: I'm not sure we -- we really
19 decided. What would you -- any --

20 MR. DAY: I would personally like to see the
21 votes by name, the whole nine yards.

22 MR. MAHFOOD: Do you have a problem that in
23 the organization, that that might be in the -- be in
24 the document but in the back rather than at the exact
25 spot?

1 MR. DAY: No.

2 MR. MAHFOOD: Does that make any difference?

3 MR. DAY: I would like to see it included

4 somewhere, but it's up to someone else to figure out

5 where at.

6 MR. MAHFOOD: Okay.

7 DR. WADE: The Committee also needs to

8 instruct us, in an appendix that has the results of

9 the voting. Do you also want the "no" decisions with

10 the same information?

11 MR. DAY: I would like that, yes.

12 DR. WADE: Okay.

13 MR. MAHFOOD: Okay. Yep.

14 DR. WADE: That will be in an appen-- in an

15 appendix. I'm having trouble talking.

16 MR. MAHFOOD: Okay. Is there anything else

17 on the final report that we need to -- before we have

18 the public comment period that we need to --

19 Llona?

20 MS. WEISS: We have not, as far as I can

21 tell, had any full discussion incorporating the

22 comments received on the December draft and the

23 comments received on MDC's report. We've summarized

24 them and the Committee has that and they've been sent

25 out to people and made available, but I didn't know if

1 you needed to put that in any special incorporation on
2 the next agenda or however you need to handle that.

3 DR. BERNIE LEWIS: In the handout I gave you
4 I indicated that one source of input to the final
5 Part 1 and 2 is going to be the -- some of the
6 material that was in the MDC report. And there were
7 some comments on that and -- and those that I judged
8 to be factual and relevant, I'm assuming I'll
9 incorporate those as well. So that was my judgment on
10 that.

11 MR. MAHFOOD: Okay. David?

12 MR. DAY: Not on the report, on other
13 issues.

14 MR. MAHFOOD: Okay.

15 MR. DAY: Did we ever set a -- providing we
16 need it -- July date?

17 MS. WEISS: I have not heard back from
18 everybody. I've heard from about three or four
19 members. I need still people's conflicts for the
20 month of July. But as soon as I get them, I'm ready
21 to --

22 MR. DAY: Okay.

23 MS. FIREBAUGH: Are you still working on the
24 17th of July?

25 MS. WEISS: The 17th of July was thrown out,

1 and I asked for conflicts for July from every member.

2 MR. DAY: Did I send them to you?

3 MS. WEISS: I think.

4 MR. DAY: Okay. Thank you.

5 MR. GARNETT: The 17th is out; is that

6 correct?

7 MS. WEISS: Yes.

8 MR. MAHFOOD: So, really, we need -- well,

9 we'll get information. We need to have what you can't

10 do, really, as much as anything, so -- it will be a

11 tough time period.

12 Anybody have any further issues, questions?

13 Okay -- oh, sorry.

14 MR. GARNETT: I'd like to compliment

15 Dr. Wade and everybody on this the last couple of

16 days. A lot better. Really, it's worked well.

17 MR. MAHFOOD: I agree. It's a lot of work.

18 You-all went through a lot -- a lot in a very short

19 period of time.

20 MR. DAY: It seemed long.

21 MR. MAHFOOD: Yeah. Okay. I'm going to go

22 ahead, and we've got five people that would like to

23 speak to us today, and I guess if they have been here

24 and probably know that we don't want to spend a

25 half-hour or an hour on anything. You probably would

1 lose everybody.

2 But the first person is Roy Hengerson.

3 Roy.

4 MR. ROY HENGERSON: I'll try to be very

5 brief.

6 I'm Roy Hengerson. I'm with the Missouri

7 Coalition for the Environment. I'm the environmental

8 policy director, for the record.

9 First of all, compliments on a very hard and

10 long session yesterday and today, and, clearly, the

11 Committee dealt with a lot of very difficult things,

12 and so I give you my compliments.

13 I do have some concerns, and I guess my

14 biggest concern is that I -- many times I didn't know

15 whether to be happy with what was going on or

16 appalled. And I guess what troubled me the most was

17 some of the, I guess what I saw, as fairly

18 inconsistent -- sometimes the votes just baffled me

19 where different people were coming from, and that

20 always makes me nervous.

21 I think that in a way it was sort of like,

22 you know, a game, like a crap shoot. We could start

23 yesterday and do this whole thing again and we might

24 come up some different place just based on random

25 molecular movement, so I -- I'm wondering what that

1 potends.

2 I think the Committee, though, did show one
3 thing which I have been concerned about, and that is
4 that the harder decisions, areas where there was
5 mandated things, I think the Committee is still very
6 much indecisive in those areas, and I think that what
7 the public is looking for is some leadership here.

8 And I think that, obviously, many of the
9 decisions were in the way of voluntary and the
10 goodness of education, and that's great, but I think
11 that at some point the State of Missouri needs to
12 enact some sort of a regulatory system that will
13 control the large chip mills. And, again, I think
14 while it's true that overall forest management is very
15 much a part of it, I think to the extent that the
16 Committee gets distracted by all of these other
17 things, you don't really focus in on what you're main
18 task is, which is controlling the large industrial
19 chip mills. So, again, I had some comments there.

20 I do wonder about the incorporation of the
21 public comments because in the public comment periods
22 that I've participated in I think, again, there is a
23 strong desire by the citizens of Missouri to have
24 effective recommendations coming out of this process,
25 and, then, of course, the next steps, which would be

1 advocacy in -- to actually have these things be
2 enacted rather than just being recommendations in a
3 report. So I think the public is looking to the
4 Advisory Committee for leadership here.

5 Again, I thank you for your long, hard work,
6 and it's not over yet, so good luck. Thanks.

7 MR. MAHFOOD: Thanks.

8 Ed Hornick?

9 Is he gone?

10 Tom Kruzen.

11 MR. TOM KRUZEN: I'm Tom Kruzen from
12 Missouri Hardwood and the Dogwood Alliance.

13 I'd like to reiterate what Roy said but
14 illustrate my extreme displeasure over the fact that
15 you didn't support a moratorium to enact all of this
16 wonderful stuff, a little time, a little breathing
17 room. It wouldn't have hurt.

18 I'm here to represent also the herbaceous
19 dwellers of the forest which sit amongst you there.
20 They aren't going to survive skidders, feller
21 bunchers, or anything of the stuff you saw when you
22 were on the tour.

23 I'm also here to represent the dead.
24 "Nature to be commanded must be obeyed." I wish I
25 could have prefaced yesterday and today with that.

1 That was Francis Bacon 500 years ago. And then, of
2 course, I was commanded by somebody at the last
3 meeting to write a country/western song with Emily. I
4 didn't get that far because I can never get ahold of
5 Emily. But I did feel a little inspiration one day.

6 This is An Ode to the Odious.
7 "Bee bop a ree dips,
8 We'll get our chips.
9 And fool those folks,
10 Playing Red Riding Hoax.
11 It'll be rough and rotten.
12 That's our version.
13 Once we're in,
14 We'll bring on our curse.
15 Down they come,
16 Five at a crack.
17 Twenty-five acres,
18 That's just a snack!
19 We'll take 'em all,
20 Those long and tall,
21 Loving the money smell,
22 While offering a tortured hell.
23 It's the trees,
24 Upon we work our sleaze.
25 Over the hill,

1 It's our chip mill.
2 For good paper,
3 We'll play the land raper.
4 Plying or trade,
5 Stealing all the shade!"
6 Maybe you could do that to Hillbilly Rock or
7 Rockabilly.
8 And then I did want to mention -- or I want
9 to read the comments of William Middleton from Vulcan,
10 Missouri. He happens to live adjacent to, it is
11 unfortunate now, 480 acres being clear-cut or probably
12 right now totally stripped of trees by Canal Chip, and
13 these are his comments:
14 "Clear-cutting Comments from a Landowner's
15 Perspective.
16 "To start with, I place the blame for the
17 clear-cutting disaster of which we are now facing in
18 our state squarely at the doorstep of the Conservation
19 Commission. They have done a number of unconscionable
20 things to bring this operation into our state without
21 ever mentioning the downside of the practice -- of
22 this practice.
23 "Secondly, the chip mill operators have been
24 allowed to purchase thousands of acres in the Ozark
25 region which is not suited for clear-cutting. These

1 rugged hills can handle some timber harvesting and
2 still recover, but they will be decades attempting to
3 heal the wounds inflicted upon them by the savagery of
4 the chip mill industry."

5 Next, "Some of us have been literally
6 devastated by clear-cutting. My place in particular
7 cannot be reached without driving through many acres
8 of moonscape terrain. Not only does this look
9 absolutely horrible, it is diminishing the value of my
10 property to the point where I doubt that its value
11 would be 50 percent of what I would have -- of what it
12 would have been just six months ago.

13 "Finally, the chip mill operators do not
14 take only those trees which are unsuited for the
15 logging industry. They take tall and slender white
16 oaks and will literally place everything before the
17 saw in their quest to satisfy their insatiable
18 appetite for wood.

19 "Such cruel harvesting of the forest in our
20 area is uncalled for and we need to take action to
21 invoke restraints on this level of destruction. This
22 is particularly necessary in areas where the slope of
23 the land is considered to be likely to create erosion.

24 "I could go on for days about the chip mill
25 travesty, but I would rather pursue a course which

1 would remedy this debacle. Let's add some sanity to
2 this process and to limit the amount of damage that an
3 operation of this nature can deliver.

4 "Those who accept this situation merely
5 because they don't want to lose any of their precious
6 landowner rights have no regard for nature or future
7 generations. All of us have to give a little to live
8 as social beings. I feel as though I have truly --
9 have been unduly harmed by the clear-cutters, and I
10 plan to seek some sort of remuneration for these
11 damages."

12 That ends Mr. Middleton's statement.

13 I also feel it's pretty sad that you didn't
14 have some public comment in the beginning because I
15 think George Baker would have had his comments as
16 well, but he had to leave. I think you need to hear
17 more from landowners. But it may be a moot point
18 because your job is just about done.

19 Thank you.

20 MR. MAHFOOD: Tom, do you know if
21 Mr. Middleton or Mrs. Middleton will be speaking
22 today? Did they stick around, or are they gone?

23 MR. TOM KRUZEN: They weren't here. They
24 gave me their statements.

25 MR. MAHFOOD: Okay. I just wanted to make
360

1 sure I understood.

2 MR. TOM KRUZEN: They work.

3 MR. MAHFOOD: Okay. Katie?

4 MS. KATIE AUMEN: I think Llona has a

5 question.

6 MS. WEISS: I just wanted to mention, in the

7 information that was sitting on your desk when you

8 first came here last night, there was an e-mail that I

9 got from Betsy Middleton, so --

10 MR. MAHFOOD: Yeah, I saw that.

11 Katie.

12 MS. KATIE AUMEN: My name is Katie Aumen. I

13 work with Dogwood Alliance, and I'll be brief.

14 First of all, you-all are doing a wonderful

15 job. This was so encouraging to walk in today and see

16 all of this around the room to see where we're at now.

17 I'm really good you-all had the extra six months.

18 I have -- I'll keep it to three specific

19 things. One thing that I haven't seen discussed that

20 I would really like to have called to a vote if that's

21 still possible is to vote for no more tax incentives

22 for high-capacity chip mills or looking at a plan

23 similar to what Kentucky enacted where if a

24 high-capacity chip mill wants economic incentives to

25 expand their operations, that their sourcing area

1 needs to be included. We talked a lot about
2 incentives but nothing specifically on the chip mills
3 and the fact that they don't need any more
4 corporate -- or they don't need any more tax
5 incentives.

6 The second thing is, under landowner
7 education, I think that needs to be expanded to
8 includes non-timber harvesting options. There was
9 some mention of leasing land as being an option, but I
10 think things specifically like growing herbs and
11 flowers, the type of thing that Tom does, at an
12 understory level, that's information that needs to get
13 out to the -- to landowners, because that is an option
14 for them.

15 The third thing, you've got to specifically
16 define what a wood chip mill is. I mean, if nothing
17 else comes out of this Committee, you need to have
18 some definition.

19 Kind of a standard that Dogwood Alliance is
20 going with is having the capacity to produce over
21 100,000 tons of wood chips per year. That's just kind
22 of a basic place to start.

23 Something else, though, that I would like to
24 tell you-all about is, as the heat's been turned on
25 the chip mill industry, Dogwood is starting to see and

1 hear about a lot more in-the-woods chippers or mobile
2 wood chipping chippers. They've been around for a
3 while, but they do have the potential to cut a lot of
4 trees in a small period of time. So it's not just the
5 site-specific, high-capacity chip mill you need to
6 consider. You do need to also think about these
7 mobile chippers.

8 Betsy had also sent to me -- Betsy
9 Middleton, who is a landowner, also sent to me her
10 comments. I could read them, but I think you may
11 already have them. They are real short if somebody
12 wants me to read them. She did specifically want
13 somebody to read them, so I kind of feel like I should
14 do that since I said I would. So let me go ahead --

15 MR. MAHFOOD: We have the record here,
16 Katie. Go ahead and read them in.

17 MS. KATIE AUMEN: Okay. Betsy and her
18 husband, Scottie, live on 350 acres right below a
19 mountain that's being scheduled to be cut. Betsy
20 right now is preparing for the birth of their first
21 child, and one of the concerns that she specifically
22 stated is that she feels a real sadness that her kids
23 are going to grow up knowing a different Ozarks than
24 she grew up with, and she really does not want -- you
25 know, she wants to see the pristine Ozarks that she

1 grew up with. She wants that to be there for her
2 children, and especially now as that's coming about
3 for her. But I'll read her comments.

4 "My name is Betsy Henderson Middleton, and
5 I'm a landowner in southern Iron County, Missouri. My
6 family has been involved in the timber industry for
7 over 80 years.

8 "My father-in-law currently owns and
9 operates a small circle mill in Vulcan, Missouri. The
10 availability of saw timber has decreased drastically
11 in the last few years. This is due, in part, to the
12 clear-cutting currently being practiced in our area.
13 The amount of quantity of quality logs has practically
14 disappeared, and we are now concerned that our family
15 and friends' livelihoods will soon vanish.

16 "The Ozarks are known for their hardwood
17 forests and rocky soil. The small amount of topsoil
18 in our area will greatly affect the recovery of these
19 clear-cut areas. The hilly terrain will also lead to
20 erosion of what little topsoil there is.

21 "My farm is located at the base of Des Arc
22 Mountain, and Canal Industries is just beginning to
23 cut 1,046 acres directly behind my house. My farm is
24 the main watershed for the mountain. I fear that once
25 the trees are removed from the mountain that my family

1 will be flooded and damaged after each significant
2 rainfall.

3 "Over and over I hear the words 'private
4 property rights.' What about my rights? I'm a
5 landowner and I pay taxes. Does a corporation have
6 the right to clear a mountain and destroy my land?
7 Does a corporation have the right to destroy our
8 county roads? Does a corporation have the right to
9 diminish my property value by clear-cutting?

10 "What I think we all need to remember is
11 that no man has the right to do wrong. We are all
12 accountable for our actions. We, as voters, will make
13 a stand against any politician or director who
14 supports the chip mills. The opposition against chip
15 mills and clear-cutting is gaining ground.

16 "It may be too late to stop the destruction
17 behind my house, but you can stop the destruction of
18 the entire state. Please vote to keep the moratorium
19 against allowing more chip mills into our state."

20 That's from Betsy Middleton.

21 Thank you-all.

22 MR. MAHFOOD: Thank you.

23 MS. FIREBAUGH: Katie, does Betsy no for
24 sure that Canal Wood is doing that harvesting?

25 MS. KATIE AUMEN: Yes.

1 MS. FIREBAUGH: They themselves are doing
2 it?

3 MS. KATIE AUMEN: Is Canal still here? I
4 was going to say, you can ask them specifically.

5 MR. TOM KRUZEN: The same contractors that
6 were cutting Long Ridge Road, which are contracted by
7 Canal, are cutting it.

8 MS. FIREBAUGH: And they are directly
9 contracted by? It's not that they are coming in on
10 their own and it's going there?

11 MR. TOM KRUZEN: There is no logo on their
12 machine saying Canal. It's the people that contracted
13 them.

14 MS. KATIE AUMEN: It would be a good
15 question specifically for Canal, Emily. And they are
16 contracted by Canal specifically. It's the
17 Mississippi Group.

18 Mark?

19 MR. GARNETT: What -- regarding high
20 capacity chip mills, your idea is 100,000 ton. Is
21 that something that's shared by Dogwood Alliance as a
22 whole or --

23 MS. KATIE AUMEN: Yeah.

24 MR. GARNETT: Is that -- does that mean in
25 three shifts or one shift, or what does that mean?

1 MS. KATIE AUMEN: A year.

2 MR. GARNETT: For a year.

3 MS. KATIE AUMEN: The capacity to produce.

4 MR. GARNETT: Okay. Another -- another is

5 to -- this is just a question regarding the

6 Middletons.

7 I would assume as concerned as they are,

8 they would probably test the water before they cut and

9 after, wouldn't they?

10 MS. KATIE AUMEN: Yes, they are. We're

11 doing it especially at her place because it is a

12 watershed. Specifically, it will be a point source.

13 MR. GARNETT: To me that -- although the

14 aesthetics of the area will never be the same,

15 probably, for 50 years, or whatever, that would come

16 up?

17 MS. KATIE AUMEN: Right.

18 MR. GARNETT: To answer another question --

19 MR. TOM KRUZEN: Their house sits at the

20 base of a -- two very shallow draws, and that mountain

21 is about a third of a funnel cut, and it will just --

22 it will wipe out their house.

23 MS. KATIE AUMEN: Emily?

24 MS. FIREBAUGH: Since they are in that

25 industry, I, too, am concerned about on-site -- they

1 call them on-site chippers, which are very productive
2 in chipping.

3 MS. KATIE AUMEN: Uh-huh.

4 MS. FIREBAUGH: One of my points was that if
5 it's owned only by a small mom and pop mill, we can
6 get rid of culls through there. If it's done by the
7 industry, it doesn't make any difference.

8 Do you know that their market has tightened
9 since Canal Wood has come in there, or any other
10 chipper has come in?

11 MS. KATIE AUMEN: In the wood chipper's
12 market?

13 MS. FIREBAUGH: No. That "they," as having
14 a log yard, that they are having a harder time being
15 able to buy and to sell their own processed logs?

16 MS. KATIE AUMEN: I don't know who "they"
17 is.

18 MS. FIREBAUGH: The lady who wrote the
19 letter.

20 MS. KATIE AUMEN: Oh, Betsy Middleton?
21 No, I don't know.

22 MS. FIREBAUGH: I mean, she's saying that
23 her family is having a hard time --

24 MS. KATIE AUMEN: Right.

25 MS. FIREBAUGH: -- purchasing grade logs,

1 et cetera, et cetera.

2 MS. KATIE AUMEN: Right.

3 MS. FIREBAUGH: And she's directly relating

4 that to the chip mill companies being there?

5 MS. KATIE AUMEN: Uh-huh.

6 MS. FIREBAUGH: Okay.

7 MS. KATIE AUMEN: Uh-huh. She said,

8 ". . . due in part to the clear-cutting currently

9 being practiced in our area."

10 MR. MAHFOOD: Any other questions?

11 Thanks, Katie.

12 MS. KATIE AUMEN: Thank you.

13 MR. MAHFOOD: I just want it read into the

14 record that Mr. George Baker would have liked to have

15 testified. He will be mailing in his testimony to us.

16 Any further questions, issues to come before

17 the Advisory Committee?

18 (No response.)

19 MR. MAHFOOD: Seeing none, the meeting is

20 now adjourned.

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